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CHURCH  
OF THE S. HEART  
ACORINGTON.

THE ANGLICAN CHURCH

THE

CREATURE AND SLAVE OF THE STATE.



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1844

THE  
ANGLICAN CHURCH  
THE  
CREATURE AND SLAVE  
OF THE STATE,

BEING A REFUTATION OF CERTAIN PUSEYITE CLAIMS  
ADVANCED ON BEHALF OF THE  
ESTABLISHED CHURCH :

CHURCH  
OF THE S. HEARD  
ACORINGTON.

IN  
A SERIES OF LECTURES  
DELIVERED BEFORE THE ACADEMY OF THE CATHOLIC RELIGION,

BY THE  
REV. P. COOPER,  
OF THE CHURCH OF THE CONCEPTION, DUBLIN ; PREBENDARY, ETC.

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“Souvent leurs théologiens (des Anglais) en appellent à l'Etablissement, sans s'apercevoir que ce mot seul annule leur religion, puisqu'il suppose la nouveauté et l'action humaine, deux grands anathèmes également visibles, décisifs, et ineffaçables.”—LE MAISTRE, *Du Pape*.

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LONDON:  
CHARLES DOLMAN, 61, NEW BOND STREET.

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1844.



TO  
THE MOST REVEREND  
THE PRESIDENT,  
AND VERY REVEREND AND REVEREND  
THE MEMBERS,  
OF  
"THE ACADEMY OF THE CATHOLIC RELIGION,"  
THE FOLLOWING LECTURES,  
ALREADY DELIVERED IN GREAT PART BEFORE THEM, ARE NOW  
INSCRIBED IN THEIR COMPLETED FORM,  
WITH EVERY SENTIMENT OF RESPECTFUL ATTACHMENT,  
BY THEIR OBLIGED FRIEND  
AND FAITHFUL SERVANT AND BROTHER,  
THE AUTHOR.

*Dublin,*  
*Church of the Conception, 1844.*





## PREFACE.

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THE Oxford Divines have opened another chapter in the history of the eternal variations of their Church. In their hands, the ever-shifting drama of Protestantism is about to present a new scene. Of this fresh change “come o’er the spirit of their dream,” the first intimation was given in the publication of the *Tracts for the Times*,—a temporizing title, that well accorded with the policy that dictated, and the shifts that were to characterize, this new attempt to bolster up the falling fortunes of a not old, and yet already superannuated, system of religion. The Church was now truly in danger; not, however, from Popery, though Popery would be sure to gain by the result,—but from her old foe, whom she engendered in her own bosom, Dissenterism. She had given the example of flinging off the yoke of authority in religion; and was it to be endured that she should set up in its stead the idol of her own puny and self-constituted authority? No. It was not in the nature of things that the men who had refused obedience to the decrees of a Church that measures its existence by the lapse of ages and the extent of Christendom, should allow themselves to be held by the *placets* of an insular hierarchy, that began with yesterday, and that, holding on precariously by the forbearance of the State, may be consigned to its tomb on to-morrow. In vain, accordingly, were articles framed, the aid of the secular arm called in, and statutes of recusancy and conformity multiplied without number. A mightier law than any which man can frame had gone forth,—the law which says that the human mind, once emancipated from the restraints of authority in matters of faith, its destiny is to plunge on from error to error,—from extravagance to extravagance,—till not one truth of all it ever venerated but is

derided, and not one impiety of all it ever shuddered at but is turned to and embraced.

To this truth, the phenomena of the religious world bore ample testimony in the earlier part of the present century. Abroad, the Reformed faith lay buried in the depths itself had dug of an impious Rationalism. At home, it was hastening to the same dismal catastrophe. The right of private judgment was fast crumbling away the various sections of Protestantism. The Churchman was turning Dissenter, and the Dissenter was devising new forms of dissent; till at length, as observed by a contemporary writer, the preacher of the morning would soon have to turn hearer at night, in order to gratify in his own auditors the universal vein for dogmatizing. Even within the precincts of the Establishment, the gold of whose sanctuary would be always sure to attract worshippers, the clergy were recognized to have subscribed the Articles "with a sigh or a smile." As for the laity, they patronized the established service; it was the genteelst way of putting in an appearance of prayer. Accordingly, they maintained a well-behaved composure, until they came to the damnatory clauses in the Athanasian creed. These were their abomination; they had made up their minds too against Popery;—two great efforts, which exhausted all their powers of believing.

The clergy saw, but, from the manner of their subscription, it will be easily conceived they could not have felt this. Their revenues were forthcoming with tolerable punctuality;—why should they give themselves any further trouble? As for apprehensions about the future, it would be on their brethren and kinsfolk the task would devolve of legislating for the Church. This was guarantee enough to them that no change injurious to their interests would be permitted in their day.

Suddenly, however, the tide of popular freedom rose, and, breaking over the barriers of old prejudices, burst open the doors of the Constitution. The Catholic and the Dissenter walked in, and, reasserting their long withheld rights, sat down by the side of the orthodox

churchman in the great council of the nation. What was worse, the Spirit of Reform was abroad, prying into the sanctuary itself, and ten bishops were summarily sent adrift, by way of experiment.

It was time for the clergy to start from their day-dream. They had "made flesh their arm," and now it was failing them. The State, hitherto their all-in-all, was betraying symptoms of an estranged affection. What were they to do? Were they to fall back on the people? The people they had always despised; their rights they had ever actively opposed. As for the poor ever-toiling slave, him they abandoned to vice, ignorance, and shame, and the scant mercies of the Home Mission: he was work too ungentle for them. Were they to plead the peculiar powers and prerogatives of the ministerial office? They had derided these principles, and proclaimed that there was but one prerogative, "et sentire quæ velit et quæ sentiat loqui."\* Could it be necessary to keep in pay an expensive staff of archbishops, bishops, priests, deacons, and archdeacons, to explain to the world what their own Chillingworth, echoed to this day from the episcopal bench,† has embodied in three simple words: "The Bible, and the Bible alone, is the religion of Protestants"? It was plain they must alter their tactics, if they would retain their position in the country. They must beat down the Dissenting minister from the platform to which a blind hatred of Popery had lifted him up, to fight the good fight in equal rank with themselves. They must put forth a higher claim, and assert a diviner mission. And forth there come from their goodly store, like the old and the new from the treasure of the scribe, Church Authority, and Tradition, and Apostolical Succession, all terminating in a divine mission. The people were after exhibiting their power in the triumph of Reform.

\* The words applied by bishop Watson to express the amplitude of the rights of private judgment.

† See the latitudinarian speech of the present bishop of Cashel, in the *English Churchman* of May 2, 1844, quoted from the *Dublin Statesman* of April 15.

The people must then be courted. And church accommodation, and visits at their homes, and if possible, after a time, auricular confession, must be part of the new policy. It would greatly promote their object, if the public could be brought to think that they had peculiar blessings in reserve for their followers,—that they were, for instance, “the only Church in these countries that ought to be quite sure that they had the body of Christ to give the people.” And the Real Presence, Baptismal Regeneration, and the Eucharistic Sacrifice, are readmitted into that public teaching, that had been for more than a century virulently directed against them. These weapons, to be sure, were all stolen from the armory of old Popery. And Popery they had spent their lives in abusing. But it could not be helped. The exigencies “of the times” were imperative. And men in their situation could not afford to be fastidious. I exaggerate nothing. The accounts that have reached us of the “movement,” from the pens of those engaged in it, assign no other cause for its origin. Some extracts are given in the following pages. But the first number of the *Tracts for the Times* seems evidence enough of the fact.

These zealous advocates of the Church did not perceive that, if they were to be taken at their word, the cause they had undertaken to reestablish was ruined. For the world could not all at once forget, that if the doctrines they have newly brought into vogue be truths, then are they truths that have been blasphemed under the patronage of this Church, by both her laity and her clergy, for the last hundred years at least. The very astonishment, amounting to almost stupefaction, that seized upon the public mind, when it was first announced that clergymen had been found in the Established Church to advocate such doctrines, was in itself a proof how effectually those doctrines were frowned upon by the public teaching of that Church. The simple multitude, as soon as they had recovered from their amazement, began, as was to be expected, to repeat their lesson, and cry “Popery,”—a cry, to their minds, poor people, expressive of every thing horrible. And are they now to be



told that they have been all this time duped and cajoled, and that what they have been so long taught to execrate is, after all, the truest piety? What then becomes of the Church's claims as a witness to the truth,—a guide to salvation? It is plain that, if the new theology be sound, the cause of the Church is ruined. She has betrayed whatever trust she may be supposed to have had, and forfeited all claim on the allegiance of her people.

But it is not to be supposed, from this way of putting the case, that the soundness of this conclusion is at all dependent on either the truth or the falsehood of the new principles. It is enough that they have been allowed to be taught from the Church's pulpits by men authorized to speak in her name, and instruct her people on her behalf; and that at the same time the very opposite doctrines have been inculcated from the self-same chairs, under the self-same sanction. Truth and falsehood then,—for one of these sets of doctrines must be egregiously false,—have been propounded to the simple people in the name of this Church. The echoes of her sanctuary have responded equally to the one teaching and the other. That is, she is indifferent to truth or error; and such error! Or rather, error has triumphed in being placed—all she ever desires—on a level with the truth; and truth has been compromised, by being confounded with that error she should have succeeded in eliminating.

Perhaps, however, it will be said that this Church possesses the will, but wants the power, to interfere in the regulation of her own public and ministerial teaching. I know that such a proposition has been advanced, and in the highest quarter.\* But it is the most unfortunate circumstance in such a defence, that it should be so undeniably true; for a graver title of condemnation was never yet preferred against any self-constituted Church. What! a Church without authority to say what should be taught in its own name!—obliged to stand by, while poison is dispensed to her children, in place of the food of sound doctrine;—to see her flock

\* See Lecture IX. pp. 225 et seq.

led before her face to destruction, by men wearing the garb of her ministry, without being able to interpose to save them! Of all the humiliating confessions ever wrung from heresy, this is, perhaps, the most humiliating. Yet it has been made, and in the most authentic form. And it is to the Tractarian controversy, as it is called, that we are indebted for this confession. Should we not then proclaim our obligations to these gentlemen, for procuring us such simple tests whereby to probe the shallow pretensions of this, their mimic Church?

But this is not the only element of ruin these indiscreet advocates have mixed up with the cause they would fain retrieve. It was impossible that when such high and ambitious claims were put forward, and with such untiring pertinacity, on behalf of a Church previously regarded as of very slender pretensions, men should not be provoked to inquire into the real nature and origin of this Church. And it was still more impossible that such inquiry should not terminate in shewing that it was, both in origin and constitution, essentially secular; a mere department of the State for the transaction of affairs conventionally styled *spiritual*; in one word, a parliamentary creation, as it has often been called;—that is to say, the very antipodes of every thing divine; with whose name to associate the idea of Apostolicity, or aught else characteristic of the Institution of Christ, would be simply to invite ridicule. Yet, strange to say, the new champions of orthodoxy seem to make light of that danger, and to have conceived the extravagant idea that they could overawe the public mind, and cheat it of its clearest perceptions, by the very boldness of the paradoxes which they advance. How else account for the hardihood that could propound the independence of the National Church in the face of the nineteenth century? Certainly they are not the enemies of the establishment that will be the first to regret that ill-advised step. Hitherto the parliamentary character and enslaved condition of the great Church of Anglicanism was in some measure a forbidden subject, because to most men it would have appeared like under-

taking to prove a truism, to enter upon its discussion at all. One consequence of which has been, that little beyond the naked or general fact is known, and such propositions as that of the lord bishop of Exeter the other day in the House of Lords, asserting that, "his Church's canons are binding in conscience on the minds of the laity," are allowed to pass without comment, and apparently without surprise.\* Now, however, thanks to the new school, that difficulty is removed. The question of Anglican slavery is not only opened, but called for; and the public will lean to hear whatever can be advanced on the one side and the other.

The Oxford divines have done more. They will be seen, by the opening quotations of the following lectures, to have conceded, nay, to insist on the grand principle,—that a Church which could allow the powers of this world to interfere authoritatively, and as a matter of right, in her internal concerns, is not and cannot be the Church of Christ. This principle, it will be seen, they enforce with characteristic eloquence and stress. By this, then, the question of the Anglican Church's claims to apostolicity of character,—nay, to be considered a Christian institution at all,—is at once narrowed to the inquiry of fact—*is the Church of England, viewed in her origin and constitution, or, is she not, a creature and a slave of the State?* For if she be, it is plain that she is no Church at all in any proper and ecclesiastical sense of the term. She is but a counterfeit, and, like the unfortunate bird in the fable, must be stripped of her gaudy, but borrowed plumage. Now every friend of truth must rejoice that a question of this importance is reduced to so simple a form; a form involving no length or intricacy of argumentation, for it consists but of a few plain facts, patent upon the surface of this Church's history, and the face of her own Acts and Documents; and every man capable of understanding the common and ordinary business of life, will be able to

\* See his lordship's speech, on delivering a Presbyterian petition against the Dissenters' Chapels Bill, Friday, April 19th. The question will be seen discussed in Lecture III.

follow it out. Prejudice cannot flatter its obstinacy by saying, If I were a theologian, I might and would be able to answer it; for it requires no peculiar or professional skill. Not a text of Scripture, or quotation from a holy father, is adduced in its investigation. It is a simple argument of Prescription. All it demands is patience to consider, and honesty to weigh. And if these be bestowed on its examination, then must it have suffered considerably from the unskilful treatment of the hands through which it has had to pass, if it conduct to other than one conclusion, and that is, that the Church's champions of whatever school, Oxford or elsewhere, are put completely out of court, disentitled to argue the question of their Church's claims at all, because she is altogether a human institution, originating with the state, and identified with it, and by that alone removed from all pretence of connexion with Christ and His Apostles.

These learned disputants may then exercise their talents in shewing the value of those Catholic principles to which dissent has driven them to appeal. If they conquer at all, they conquer for her who preeminently bears away the title of *Catholic*. They may demonstrate the soundness of those doctrines, when urged by the One Holy, Catholic, and Apostolic Church, which Christ has built upon Peter, as upon a rock. But in their hands they are utterly powerless. They are, as the Grecian hero's spear in the hands of his less robust friend, weapons of good temper, but too ponderous for their feeble grasp. And, yet, in speaking thus of these eminent individuals, it will not be conceived there could be any idea of depreciating talents upon which the Public has already set the seal of its marked recognition. Far from it. Whatever learning and consummate ability can achieve, that they will be sure to accomplish. But one disadvantage they labour under, which no learning or ability can compensate;—the want of truth and justice in their cause. As for every external advantage, I am most willing to concede it. I could even, like the Apostle, addressing his countrymen in the then first city in the world, find pleasure in enumerating their many claims to consideration, though, like him, I should

have to lament the interposing estrangement of an adverse faith. I could dwell upon their multiplied and varied graces ; their piety diffusing a tender warmth over their devotional writings ; their earnestness and at times their fervour kindling into eloquence ; their loyalty, and zeal deficient in nothing but a worthier cause. I could even glory that, while the Apostle was reduced to call his countrymen his brethren according to the flesh, I can claim those of whom I speak, as brethren according to the Spirit ; for such they are, though straying, through the grace of a common baptism. Nay ; I could try to console this last drawback by the hope that they are, many of them, of the number of those of whom it has been said : “And other sheep I have, that are not of this fold : them also I must bring ; and they shall hear my voice, and there shall be one fold, and one shepherd.” (St. John, x. 16.) All this could I do, and gladly. But one thing I could not ; and another still less. I could neither disrespect their persons, nor honour their cause. How, indeed, disrespect men raised up to all appearance by a wise and mysterious Providence to operate great and salutary changes in the religious feelings and persuasions of their countrymen ? —men, whose hands are, however unconsciously, like those of the strong man, upon the pillars of a profane temple. How above all refuse the tribute of respect to the talents, and yet more to the virtues of him who, placed at their head, half redeems, by his merits, the defects of his followers ; who, by his native and indomitable energy, has worked up his way through a mass of superincumbent prejudice and error, appalling even to contemplate, to the recognition of nearly the whole system of Catholicity, and the entire appreciation of its spirit ? No ; if I had anything to find fault with in such a one, I would endeavour to observe the admonition of the Apostle, and “remonstrate with him as with a father.” I would represent to him that even great and generous minds have their weaknesses, and these the most dangerous, because the most subtle. That there is an ambition higher than that of being at the head of any mere party, and being looked up to by any body of men ;—



the ambition of healing the wounds of the Church, and leading back the steps of the straying to the bosom and repose of Catholic unity. This, and not trying to rebuild the paper house of schism, is the worthy object of a Christian's ambition. This, if he would know it, is his high vocation—to track the way for his countrymen, by the light of his own example. Would that the illumination of Divine Grace might yet quicken his eye to detect the glorious path that lies before him, and strengthen his will to follow it. Then might he rejoice that his name is written in the Book of Life, perhaps even would he have, like the Master he had served, the consolation to reflect, when about to leave this world, *that of all those whom Providence and the attraction of superior merit had given him, none had been lost, but all made perfect in one.* (St. John xvii.) Happy consummation! May it be his to realize it!

DUBLIN,

*Feast of the Finding of the Holy Cross.* 1844.

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P.S. Some of my readers will probably require to be told what is that academy whose name appears upon the title-page. It is a voluntary association of some of the clergy of the Irish metropolis, who, two years ago, agreed to come together at stated periods, for the purpose of hearing papers read by its members in regular rotation, on topics interesting to religion. It was called after a similar reunion at Rome, “The Academy of the Catholic Religion;” and the archbishop, with his usual kindness, at once consented to preside at its meetings, and undertake its patronage. The topic was in each instance to be left to the lecturer's own selection. And when it came to the author's turn, he made choice of that which forms the subject of these pages. It is only necessary to add, that the author is alone accountable for what is now submitted to the public; as from the first conception of the idea, to the penning of these few explanatory lines,—the last of his task—he has had no aid, and shares no responsibility.

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THE ANGLICAN CHURCH  
THE CREATURE AND SLAVE OF THE STATE.

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MAY IT PLEASE YOUR GRACE,

MR. DEAN,—GENTLEMEN,—

IT has been a principal object with the writers of the *Tracts for the Times*, and one for which they have been particularly lauded by their patrons and admirers, to set up for the Church of which they are ministers, a claim to independence of the State in spirituals ; alleging a divine commission in its rulers to teach and to govern ; and a consequent superiority to all human control, in the exercise of that commission.

With this object, they appear to have set out from the commencement of their career ; for we find them in the second of their Tracts, (the first being occupied with the merest of preliminary matter), putting the following pointed interrogatories : “ Are we content to be accounted the mere creation of the state, as schoolmasters and teachers may be, or other public officers ? Did the state make us ? Can it unmake us ? Can it send out missionaries ? Can it arrange dioceses ? Would St. Paul, with his good will, have suffered the Roman power to appoint Timothy bishop of Miletus, as well as

of Ephesus? Is not the notion of such an order, such an obedience, absurd? yet, has it not been realized in what has lately happened? For, in what is the English State at present different from the Roman formerly? Neither can be accounted members of the Church of Christ.”\* While only the other day, in their organ, the *British Critic*,† they lay down, with the most undisguised approbation, the views as to the relations of Church and State, which prevailed in the days of “St. Anselm and William Rufus,”—views which, they tell us, were to be seen “in every line of Scripture.”

“The Church,” they say, “*as set up by the Apostles*, was an organized society, destined to pursue, in the world, objects beyond the world; with laws, and a polity not of man’s ordering; governed by powers, delegated indeed to men, but not *from* men. *It was a real and visible kingdom; distinct from the kingdoms of this world, and independent of them, as well when embracing as confronting them*; with objects and ends, over all earthly ones, paramount. With these unearthly ends, or *with the powers granted to the Church to carry them out* by her invisible yet ever present King, *the powers of this world can never innocently interfere*.” Again: “Princes of the earth, whatever may have been yielded to them for honour’s sake, or convenience, or have been usurped by wrong, or inherited, or acquired by usage, or betrayed by cowardice, or sold by worldliness—can never gain rights over the Church in her own province, &c.” Again, speaking of the reaction of the eleventh century as one, “which, humanly speaking, saved Christianity itself in

\* Our readers will, no doubt, admire the compliment conveyed to their rulers in this last sentence. Perhaps would it account for the quiet hostility to the Tractarian party, of that sagacious and observant statesman, Sir Robert Peel.

† No. LXV.

the west ;" they say, " its leaders boldly reverted to the ancient *truths* of the Church's independence, and the divine origin of her powers ; and insisted on the following points :—That the rebuke of John the Baptist, to Herod, is a *precedent for Christian bishops, in dealing with the great of the earth* ; whose rank ought no more to exempt *them*, than the lowest, from the rebukes and punishments of the Church. That the powers of the Church, as they are *not of men, ought not to be holden of men* ; that her rebukes and punishments, as they are no part of earthly power, ought neither to be directed, nor held back by that power ; and that the only way of escaping this interference in any degree, was by securing to the Church *that independence which her Lord had left her* ;" with much more to the same effect. These extracts, taken at once from their earliest and latest productions, will serve to convey some idea of the tenacity with which the Oxford divines have clung throughout to the doctrine of Church independence, and the importance they attach to its maintenance, in that scheme of Church-authority, which they are so zealously seeking to establish.

Now when it is recollected who they are who put forward this claim ; that they are an order of men, the very first article in whose creed—the first at least in importance, if not always the first in order of arrangement ;—the one on which they have uniformly laid the greatest stress ;\* to which they stand steeped in pledges over and

\* This is confessed by the Oxford divines themselves. Thus, in the *British Critic* for April 1842, p. 269, we read these words : " The English Reformers *expressly intended* to include the representations of the ancient faith, *provided only* they were content to remain as English, not as Roman, Catholics ; to give up their adhesion to the Pope, *so far as it was inconsistent with the claims of national head, retaining the while their belief in the other points of the common Catholic faith.*" Hear now how they speak, in the same place, of these claims

over again ; and in the assertion of which, their Church, while it wavered on all others, has scarcely once faltered ; is the Royal Supremacy ; that is to say, the concentration in the temporal magistrate of the greatest amount of spiritual jurisdiction known to any form of religion, swaying all others by its paramount authority, and replenishing all others, as so many streams from their parent source : when, I say, it is recollected that it is from men committed to such doctrine as this, that a claim to independence of the State comes ; the proposition may be well supposed to awaken in us no ordinary share of surprise.

Nor is that surprise calculated to be diminished, when from the modern champions of the Church's rights and prerogatives, we turn to their predecessors in the same career, and find not only a Whitgift, and a Bancroft, and a Hooker, expressly disclaiming any such inference from *their* high church principles ; but even Laud, the boast and martyr of their school, making the same disclaimer in his celebrated speech in the Star Chamber, on the 14th June 1637, in the following words :—" Our being bishops by Divine right takes nothing from the king's right or power over us, for though our office be from God and Christ immediately, yet, may we not exercise that power, either of *order* or *jurisdiction*, but as *God hath appointed us* ; that is, not in his majesty's, or any other christian-king's dominions, but *by* and *under* the power of the king given us so to do." So that according to Laud, though the episcopal office is from God, its function, or the power to exercise it, even in conferring

of the national head, which were the only thing the English Reformers insisted upon : " The union of supreme temporal and spiritual power in the same hands, appears *altogether contrary to the spirit of the Gospel*."—pp. 263-4.



sacraments, is, according to the institution of the same God, from the king, and subject to the control of the king. Thus, God is represented by the good archbishop as giving at best but a radical power to the bishops to be called into action by the king, and leaving that power, which was his own gift, for the highest purposes of eternal life, to be suspended, modified or wholly flung aside, when, as often as, and after what manner it should please his or her majesty to determine.

The truth is, the Establishment has been founded in Erastian principles—that is, in principles that confound and merge the Church in the State ; the question even of the Church's orders, whether they should be episcopally conferred or not, was at first and for a long time looked upon as a matter of accident and indifference, to be determined in each instance by the temporal rulers of the state ; and upon state considerations.\* In the course of time the vigorous assaults of the Genevan divines, who were numerically, as well as by reason of their activity, the most powerful body in the Church, placed the defenders of the Establishment and of episcopalian government under the necessity of looking round for some grounds of defence. At first the grounds selected were anything but those of apostolical succession, and divine right ; they were, more properly, political reasons, resting on the propriety of not disturbing established order.

\* It will amuse or afflict the reader to be told in what terms the champions of Anglicanism, under Elizabeth, were accustomed to speak of the sacred rite of ordination : “ With all our hearts we defie, abhor, detest, and spit at your stinking, greasy, anti-Christian orders,” says Dr. Fulk, in his *Retentive*. “ They,” (the early English Reformers) says Dr. M'Crie, in his life of Knox, “ would have laughed at the man who would seriously have asserted that the imposition of hands by the bishop was essential to the validity of ordination.”

At a subsequent period, but still timidly and hesitatingly, the claim of apostolical succession was advanced, until at last it was in some degree established by Laud and his school ; yet, not so firmly as to prevent such bishops as Usher and Stillingfleet, from laying down principles inconsistent therewith ; so that the celebrated Swift could say no more for his "Church of England-man, than that he was one who hath a true veneration for the scheme established among us of ecclesiastic government; *and though he will not determine whether episcopacy be of divine right*, he is sure it is most fitted to primitive institution." In fine; in no one instance previous to the Revolution, which gave birth to the Non-juring and Hoadly parties, did the most sanguine defenders of the Church's rights think of maintaining her independence of the temporal power. That merit has been reserved for modern times.

What then is the difference between the present high-church Anglicans and their predecessors? Chiefly one of position. The State no longer protects them in the exclusive enjoyment of her civil rewards and privileges;—nay, she presumes to abridge their Church's honors and emoluments; curtailing, for instance, in Ireland the number of her bishopricks, and in England, the revenues of her canons and other dignitaries. *Hinc illæ lachrymæ*. This is the intolerable grievance; this it is that has provoked Mr. Newman to institute a parallel between the condition of his Church under the existing government, and the condition of the Catholic Church groaning under the Arian oppression. "Then as now," he says, "there was the prospect, and partly the presence of an heretical power in the Church, enthralling it, exerting a varied influence and an *usurped* claim in the appointment of her

functionaries, and interfering with the management of her internal affairs.”\* And it is the apprehension lest the State should proceed in the same direction ; “lest” (to use their own very candid avowal),† “the government and the country should so far forget their God, as to cast off the Church, and deprive it of *its temporal honors and substance*,” that these writers remind their brethren in the ministry, that “hitherto they have been upheld by their birth, their education, their wealth, their connexions ;” and that the time is come, when they should answer “this serious practical question,” as they very significantly call it, namely, “when these secular advantages cease, on what must Christ’s ministers depend ?”

The same avowal of motive has been still more distinctly made by one of the originators of the movement themselves, the Hon. and Rev. Mr. Perceval, who in a letter to the *Irish Ecclesiastical Journal*, thus states the occasion that gave birth to the “Tracts.” Calling the act that swept away ten Irish bishopricks, “*a wanton act of sacrilege*,” “*a monstrous act*,” he says, that “it had the effect of awakening some who till then had slumbered, in the secure and easy confidence that the Church had nothing to fear from the State ; and of setting them and others upon considering whether some combined effort might not or could not be made, with the hope, if possible, even at that late hour, to arrest that fatal measure, or at any rate to offer resistance to further outrage upon the Church, on either side of the Channel.” Accordingly Mr. Froude, Mr. Perceval, and another, he tells us, put their heads together, and considering that “the support which such a measure as the Irish Church Bill had received in

\* Hist. of the Arians.

† Tracts for the Times, No. 1.

both houses of Parliament, was to be attributed to ignorance or forgetfulness of *the constitution and nature of the Church*; ignorance or forgetfulness of its existence *as a society distinct from the State*; and ignorance or forgetfulness of *the Divine commission, and authority of government which its chief pastors had received*; “we came,” he says, “to the conclusion, that the first and most necessary step for the defence and preservation of the Church, was to revive in men’s minds, a practical recognition of the truth set forth in the ordination service; and it was finally resolved to make ‘an united effort’ in behalf of these two points; namely,—first, the firm and practical maintenance of the Apostolic succession, so grievously outraged by the Irish Church Act: secondly, the preservation in its integrity of the Christian doctrine in our prayer-books, with a view to avert the Socinian leaven, with which we had reason to fear it would be tainted by the parliamentary alteration of it, which at that time was openly talked of.” One cannot but admire the *naïveté* with which the preservation of the good things of the Church is declared the “first” object with Mr. Perceval and his friends; while the preservation of the purity of doctrine is very considerably accorded the second place in their estimation. These, however, were the considerations in which the movement had its origin: considerations arising from the aspect of the times, as threatening their dignities and revenues, and suggesting to this temporizing Church, the necessity of looking round for some new ground on which to rest her claims to be retained among the institutions of the country, whenever the strong hand of power should withdraw that support which has hitherto been her mainstay. Nor were they left altogether without hope.

Though the aspect of the times looked lowering in one

direction, there seemed at least a break in the horizon on the other. Men, in the days of Laud and his predecessors, whom I have named, stood too near the source, and were too well acquainted with the history and the principles, of the Reformation in this country, to admit of such a claim as that of independence of the civil power being advanced. Such an assertion, had there been any temptation to make it, would have infallibly drawn down on its authors the ridicule and derision of the country, if not the vengeance of the court : but in these our days, the same inconveniences do not stand in the way. The circumstances in which the Church has had its origin are comparatively forgotten, and the glaring contradiction between remote facts and recent pretensions does not stand out so prominently or so offensively to public view, as to scare men like Mr. Perceval and his associates from attempting that, from which their equally ardent predecessors shrunk. Now it is to revive the recollection of those facts, and place them in juxtaposition with these pretensions, and so arrive at a sound conclusion as to their merits, that these Lectures are designed.

That portion of the subject which I am necessarily restricted to handle to-day, is what may be termed the legislative branch of the argument ; being wholly derived from the positive enactments of both the civil and the ecclesiastical legislatures : namely, the parliament on the one hand, and the convocation on the other. Taken in its entire extent the subject is wholly historical, and, as I apprehend, of vital interest. Why I have selected this legislative portion to put in the foreground, will become apparent as I proceed.

“As our duty to the king’s most excellent majesty,” exclaims the English Church, on the first memorable occasion, when after an ignominious and reluctant silence

of seventy years, she was at length allowed by the new masters she had given herself, to raise her voice to the pitch of one having authority, and to enact a body of laws for her own regulation;—"As our duty to the king's most excellent majesty requireth, *we first decree and ordain*, that the archbishop, from time to time, all bishops, deans, archdeacons, parsons, vicars, and all other ecclesiastical persons, shall faithfully keep and observe, and, as much as in them lieth, shall cause to be observed and kept of others, ALL and SINGULAR LAWS AND STATUTES, made for restoring to the crown of this kingdom the ancient jurisdiction over the state ecclesiastical, and abolishing of all foreign power repugnant to the same. Furthermore, all ecclesiastical persons having cure of souls, and all other preachers, and readers of divinity lectures, shall to the utmost of their wit, knowledge and learning, purely and sincerely (without any colour of dissimulation), teach, manifest, open, and declare, four times every year at least, in their sermons and other collations, and lectures, that all usurped and foreign power (for as much as the same hath no establishment nor ground by the law of God) is for the most just causes taken away and abolished, and that therefore no manner of obedience or subjection within his majesty's realms and dominions is due unto any such foreign power; but that the king's power within his realms of England, Scotland, and Ireland, and all other his dominions and countries, is the highest power under God, to whom all men, as well inhabitants as born within the same, do by God's laws owe most loyalty and obedience, afore and above all other powers and potentates in the earth."

In this canon, the first of the reformed ecclesiastical code, the Church of England formally and emphatically



recognizes and adopts the doctrine of the statute book in reference to the spiritual jurisdiction of her temporal head, and enjoins the same on her whole people, lay and clerical, as of sufficient vitality to require to be enforced from her pulpit, with a frequency which she has not provided for any other point of her doctrine. By those statutes we shall presently proceed to judge her.

The second canon is like unto the first. "Whoever shall affirm that the king's majesty hath not the same authority in causes ecclesiastical, that the godly kings had among the Jews and Christian emperors of the primitive Church, or impeach any part of his regal supremacy in the said causes restored to the crown, and BY THE LAWS OF THIS REALM THEREIN ESTABLISHED; let him be excommunicated, *ipso facto*, and not restored, but only by the archbishop, after his repentance and public revocation of those his wicked errors." Here again we have a solemn recognition of the laws of the realm in reference to the king's spiritual authority "in causes ecclesiastical," and the same laws and authority enforced under the penalty of excommunication: and here let it be remembered that this anathema was not left to be enforced in the world of spirits, but entailed on the transgressor, in this matter-of-fact world of ours, substantial inflictions of no ordinary amount, in the shape of loss of liberty and property;—a severity that in the worst days of Popery was never, according to the testimony of my Lord Coke, so much as attempted. "The Papal authority (as hath been confessed)" says this great lawyer in his *Institutes*, part iv. chap. 74, "did never fine or imprison in any case, but *ever* proceeded *only* by ecclesiastical censures." To fine and imprison for the health of the soul, was, it seems, one of the improvements for which we are indebted to the Godly Reformation. But what particularly concerns

us is, that this fining and imprisonment, as well as expulsion from the pale of the Church, were to be the portion of all and every who should dare to deny the king's or queen regnant's authority in all causes ecclesiastical. Now curiosity will naturally lead us to inquire what are these causes in which supreme jurisdiction is thus by the English Church reserved to the sovereign?

The highest authority we can turn to for the answer to this inquiry, is the same Lord Coke; who at the very time of the making of these canons was in the zenith of his fame and power; and, as attorney-general, had, no doubt, every thing to do in bringing the Convocation which enacted them together: he was moreover in the habit of being consulted at this very period by both prince and prelates, as to the nature and extent of ecclesiastical jurisdiction vested in the crown; so that on every account he may be regarded as a sort of ultimate appeal as to the amount of jurisdiction which the framers of the canon before us were willing to acknowledge in the sovereign.

He declares the king to have "plenary power, prerogative, and jurisdiction," in the following, among other ecclesiastical causes: *blasphemy, apostacy from Christianity, heresies, schisms, ordering* (ordination), *admissions, institutions of clerks* (clergy), *celebration of Divine service . . . appeals in ecclesiastical causes, commutation of penance, &c. &c.*

A goodly specimen, this, of the nature and extent of the causes in which the king, by the laws of England, and consequently *of her Church*, has supreme jurisdiction; laws to which that Church stands pledged to this hour.

Assembled in synod, that Church was not yet satisfied; besides these, her first and second canons, she in

her thirty-sixth canon returns to the subject of the supremacy, and selects it, and it alone, from among the thirty-nine articles, as in a more especial manner than all the rest to be solemnly subscribed by the clergy, under pain of being repelled from ordination, or, subsequently, from promotion to any benefice or living whatsoever.\*

Now the Tract writers have every one of them made, in obedience to these canons, the solemn subscription here required, before the altar; and make profession, too, of regarding these canons as so many ordinances, "necessary, fit, and convenient for the honour and service of Almighty God, the good and quiet of the Church, and the better government thereof." (Royal Dec. prefixed to canons of 1603.) How the Tract writers can reconcile their maintenance of the Church's independence in spirituals with such subscription, surpasses our understanding; simply, we suppose, because we have not graduated at Oxford: but perhaps, after all, it is not our affair, and so we proceed.

The stress which the English Church laid upon this one master point of her doctrine, is further apparent from her returning to the subject, after forty years, in

\* The fulsome and adulatory bearing for which the bishops of this period were notorious in their deportment towards James, displays itself most disgustingly in these canons. It is ever "the king's most excellent majesty." It meets you in the beginning, it meets you in the end, it meets you everywhere; so industriously do these spiritual flatterers seem to have sought occasion of introducing the royal name. The book is one hymn of glorification of the demi-god on the throne, from end to end, of which the burthen seems to be—

"Him first, him last, him midst, and without end."

—————"Plenâ jam margine libri

Scriptus, et in tergo, necdum finitus, Orestes."

another convocation, and enacting as follows : “ Whereas sundry LAWS, ORDINANCES, AND CONSTITUTIONS, have been formally made for the acknowledgment and profession of the most lawful and independent authority of our dread sovereign lord, the king’s most excellent majesty, over the state, ecclesiastical and civil ; we (as our duty *in the first place* binds us, and so far as to us appertaineth) enjoin them ALL to be carefully observed by all persons whom they concern, upon the penalties in the said laws and constitutions expressed.” And for the fuller and clearer instruction and information of all Christian people, within this realm, in their duties in this particular, “ We do further ordain and decree : that every parson, vicar, &c., upon some one Sunday in every quarter of the year, at morning prayer, shall in the place where he serves, treatably and audibly read these explanations of the royal power here inserted :

“ The most high and sacred order of kings is of Divine right” [this is more than she ever said of her own right], “ being the ordinance of God himself, founded in the prime laws of nature, and clearly established by express texts of both the Old and New Testaments. A supreme power is given to this most excellent order by God himself, in the Scriptures ; which is, that kings should rule and command in their several dominions all persons of what rank or estate soever, whether ecclesiastical or civil, and that they should restrain and punish with the temporal sword all stubborn and wicked doers.” “ The care of God’s Church is so committed to kings in the Scripture, that they are commended when the Church keeps the right way, and taxed when it runs amiss, and therefore her government belongs in chief unto kings ; for otherwise, one man would be commended for another’s care, and taxed but for another’s negligence, which is

not God's way." [Here is a more distinct declaration of the Divine right, *not of the Church to govern her people, but of a layman, the king, to govern the Church.*]

"The power to call and dissolve councils, both national and provincial, is the true right of all Christian kings within their own realms and territories : and when in the first times of Christ's Church, prelates used this power, it was therefore only because in those days they had no Christian kings." [This is cutting away directly the argument that might be derived from Christian antiquity in favour of the Church's meeting and legislating for herself, and in confutation of the Erastian doctrine of the ecclesiastical power of the prince.]

"For any person or persons to set up, maintain, or avow, in any of their said realms or territories respectively, under any pretence *whatsoever*, any independent *coactive* [coordinate] power, either Papal or popular (whether directly or indirectly), is to undermine their great royal office, and cunningly to overthrow that most sacred ordinance which God himself hath established, and so is treasonable against God as well as against the king."

"And if any parson, vicar, curate, preacher, or any other ecclesiastical person whatsoever, any dean, canon, or prebendary of any collegiate or cathedral church, any member or student of college or hall, or any reader of divinity or humanity in either of the universities or elsewhere, shall, in any sermon, lecture, common-place, determination or disputation, either by word or writing, publicly maintain or abet any position or conclusion in opposition or impeachment of the aforesaid explications, or any part or article of them, he shall forthwith, *by the power of his majesty's commissioners for causes ecclesiastical, be excommunicated till he repent, and suspended two years from all the profit of his benefice or other*

ecclesiastical, academical, or scholastical preferment ; and if he so offend a second time, *he shall be deprived from all his spiritual promotions, of what nature or degree soever they be.*”\*

We are afraid the Puseyites would have had little chance in those days, for do they not by their present teaching, attempt to “set up, maintain, and avow an independent, coactive power,” not only “indirectly,” but as “directly” as words can convey it ? But which are we to believe ? The Oxford divines, proclaiming independence, or their congregated church, denouncing such an assumption, as “treason against God, no less than against the king ?” Nor let it be said that these canons are not now in force, for to what is it owing that they are not ? They were unanimously adopted in both convocations, and subsequently ratified by the king ; they have all the authority which the Church could possibly give them, and the Church has not yet revoked them. Who was it then that repealed them ? The Parliament of the 13th Charles II. No great proof of the Church’s independence of the State certainly. But though these sacred enactments of the Church may have been deprived of all their binding force *as Church laws*, and that by a lay assembly, still as they have never been revoked by the Church herself, they are looked on to this hour *as declaring the sense and doctrine of that Church*. This is the language of Mr. Lathbury, and all Anglican divines ; so that in any case, they do not make much for the Puseyite doctrine of independence. But in fact, the very nature, frame, and constitution of English convocations themselves, as altered at the time of the Reformation, demonstrate the most abject dependence of the Church of England on the State ; as we shall hereafter

\* Canons of 1640. Canon 1.



take occasion to shew : meanwhile, from what I have quoted from the canons of the Church of England, it is plain that she stands pledged over and over again to the law as it stood previous to 1640, on the spiritual jurisdiction of the crown. Now, what the extent of that jurisdiction was, will not long be a matter of doubt. Every lawyer from Coke to Blackstone, confessing and maintaining that by the 26th Henry VIII, c. i. which had been repealed by the 1st Philip and Mary, but was subsequently revived by the 1st Elizabeth, c. i. ; *all that power which the Pope ever exercised within the realm, in spirituals, was vested in the King*. “*Such an authority*,” says the learned commentator, “*as the Pope heretofore exercised, is now annexed to the crown, by the above-mentioned statutes* ;” vol. iii. p. 67 ; and he justifies his text by a reference to the Institutes. This is peremptory and decisive, but is not yet enough ; we must go more into detail, and shew that not only did the Church of England make the transfer thus generally spoken of by Blackstone, of the entire papal power to the boys, women, and old men she adopted as her heads at the Reformation ; but also that she recognized in them an amount of jurisdiction never attributed to the pontiffs, save in those caricatures of their authority, which the bigotry of certain Protestant malignants has at times consoled itself with depicting.

I am aware that I have the honour to address an order of men who will not be content with even correct description, unless substantiated by irrefragable proof. I shall, therefore, feel it my duty to advance nothing but on the authority, and as much as possible in the very words, of authors, whom our adversaries themselves could not refuse. The first authority I shall adduce, will be the learned Chancellor of Carlisle, Dr. Burn, who in his “*Ecclesiastical Law*,” under the head “*Supremacy*,”

p. 389, thus expresses himself : "The truth is, that after the abolition of the papal power, there was no branch of sovereignty, with which the princes of this realm, for above a century after the Reformation, were more delighted, than that of being the supreme head of the Church : imagining, as it seemeth, that all that power which the Pope claimed and exercised, (so far as he was able), was, by the statutes abrogating the papal authority, annexed to the imperial crown of this realm : not attending to the necessary distinction, that it was not that exorbitant lawless power which the Pope usurped, that was thereby become vested in them ; but only, that the ancient legal authority and jurisdiction of the Kings of England, in matters ecclesiastical, which the Pope had endeavoured to wrest out of their hands, was reasserted and vindicated. The Pope arrogated to himself a jurisdiction superior not only to his own canon law, but to the municipal laws of kingdoms. And those princes of this realm, above mentioned, seem to have considered themselves plainly as Popes in their own dominions. Hence, one reason why a reformation of the ecclesiastical laws was never effected, seemeth to have been, because it conduced more to the advancement of the supremacy, to retain the Church in an unsettled state, and consequently more dependent on the sovereign will of the prince. Hence became established the office of Vice-gerent in causes ecclesiastical, and after that the High Commission court ; and last of all, the Dispensing Power, or a power of dispensing with, or suspending the execution of laws at the prince's pleasure."

This is a strong description of the notions prevalent at court on the subject of the Royal Supremacy, "for above a century after the Reformation ;" that is, during the reigns of Elizabeth, James, and the first Charles,

down to the year 1640 at least, when the strong canons I have quoted already on this subject were enacted in convocation. Whether the popes be fairly chargeable with having entertained these extravagant notions of their own power, or not, is not now the question. You, my reverend friends, will know what to think upon that matter; and *I* have already ventured to call such descriptions caricatures. But what we are at present concerned with, and what Dr. Burn is forced to avow, is, that entertained by whom else they may, they were the notions of the princes named above, regarding their own royal supremacy; and if they would have been extravagant in a spiritual prince, what must we think of them in a lay sovereign? But, after all, you may say there is nothing as yet to show that others than these princes themselves held these extravagant ideas, and above all nothing to connect the Church with these monstrous assumptions. I therefore now proceed to supply this evidence, first observing, that it is an historical fact of notorious certainty, that the Church and the Crown were, during the whole of the period specified, in the utmost harmony one with the other, on the subject of the royal claims of supremacy, and specially, that these claims never stood higher than in the year 1640, when the Church, altogether in the interest of the court, enacted those slavish canons already so often alluded to; but I have now to say, that it was not the fault of this same English Church, that the royal supremacy was not even more tyrannical, and that the administration of the law itself, that bulwark of English rights and liberties, was not handed over bound and manacled to the whim and caprice of the despot on the throne. I allude to the effort made in the year 1605, when Bancroft, then metropolitan, *and the entire English clergy*, presented

to the lords of the privy council a public instrument, in which they acknowledge in the crown a paramount jurisdiction to judge, control, and reform them (the clergy), *in the exercise of their spiritual power*; and not content with this, call upon the common law judges to act similarly, and thus seek to awe them too, into an acknowledgment of the same slavish doctrine, in reference to the temporal courts ! Had that attempt been successful, where would the lives, liberties, and possessions of Englishmen be at this day ? at the mercy of some capricious tyrant. But, thanks to the firmness and virtue of the judges, the attempt was met and defeated. This precious document may be seen, at length, among other places, in the recent collection of *Documentary Annals*,\* edited by the learned principal of St. Alban's Hall, Oxford, Dr. Edward Cardwell.

After this it will not be a matter of surprise, if I say that the clergy cheerfully acquiesced in the assumption of power, last mentioned by Dr. Burn,—namely, the power of dispensing with the laws, until it was exercised, as they conceived, against their own exclusive interests, and to the relief of the Catholic and Dissenter. And in truth, this power was held to be part of the Supremacy by the judges of this Protestant land, until abrogated by the Bill of rights.† As for the High Commission Court,

\* Vol. ii. No. cxxiii.

† The very foundations of the English Church are laid in the dispensing power. And if that power be an usurpation, and inconsistent, as seems to be now universally acknowledged, with good government, then, woe to Anglicanism, for it has no other origin. The alleged consecration of Matthew Parker, from which everything spiritual in the Church derives, took place in contravention of all law, canonical and civil—of Church alike and State, and solely by virtue of the dispensing power. “We supplying,” says the royal dame, “from our supreme royal authority, whatever deficiency may occur of those things

the Church is directly chargeable with it, and with its enormities; for it was not only the ordinary sphere of action of the metropolitans, and the bishops who presided over it; but its powers were *recognized and invoked by the Church itself in solemn convocation*: while the name and office of Lord Vice-gerent, is well known to be the first offshoot of the Reformation, and the unequivocal badge of the degradation and enslavement of the English reformed clergy. So much, then, for the different forms specified by Dr. Burn, in which the exorbitant claims of royal supremacy exhibited themselves. For each and every of these, the Church of England is clearly accountable.

Having mentioned Dr. Cardwell, I shall just make a quotation from him in support of the same views, and offering other illustrations of the same general fact, as to the exorbitant pretensions advanced and recognized by the English Church in her royal Popes: "It was the constant maxim," he says, "of Queen Elizabeth, derived not so much from the statute of supremacy (1. Eliz. c. i.), as from the inseparable rights and prerogatives of the crown, that she might establish or repeal canons, and might ordain or abolish any religious rite or ceremony: and that in so doing, she might call in the aid of her council, of a commission of divines, of a convocation, or a parliament, as she judged most expedient. In the case of the articles, she considered their authority to rest upon her ratification of them, after they had been prepared by the synod of the clergy, for her examination

required, either *by the statutes of the realm* or the ecclesiastical laws, in this matter; the circumstances of the time, and the necessity of the case, so requiring." And thus both the form and the ministers of that consecration, which were invalid by the two laws, were called in to patch up a ministry for a schismatical Church.

and approval. *This doctrine was adopted by archbishops Whitgift and Bancroft*, and was sanctioned by solemn decisions from the highest legal authorities. It was also asserted by king James I, who declared in his first proclamation (cxvi. of Doc. Annals), that he would 'proceed according to the laws and customs of this realm, by advice of his council, or in his high court of parliament, or by convocation of his clergy, as he should find reason to lead him,' and afterwards commanded alterations to be made without the authority of parliament [aye, or of convocation]. The proper ratification of articles on the part of the crown, seems also from this declaration [of Charles I, prefixed to book of common prayer], to have been maintained by Charles I, and his advisers."\*

Here is power, and a power transmitted, as it were, by tradition through a succession of reigns; a power to make, alter, and impose laws, and rites, and doctrines; to regulate the actions, the worship, the belief of a National Church, without so much as consulting that Church, if the dread Depositary of so much power should not think fit; and that power is acknowledged and bowed to by the first bishops in that same National Church, and allowed to be erected into a just and legal claim, without drawing forth one word of remonstrance from one of the numerous clergy of that same Church, which, with all this, they had the coolness to call and hold up to the world as Reformed! This power, I said, they allowed to be erected into a just and legal claim; whereas I should have said, this slavish clergy went before, and beyond, the judges and the nation in selling and consigning themselves to the power of the crown. One of

\* Doc. Annals, vol. ii. p. 171, note c.



these metropolitans mentioned by Dr. Cardwell,—Bancroft, a name for ever bound up with prerogative and spiritual slavery ; slavery, indeed, both spiritual and temporal ; since, as I have before shewn, it was not his fault that the temporal encroachments of the crown did not keep pace with the spiritual ;—well, this primate, Bancroft, made it one of the first uses of his newly-acquired metropolitan power, to have the twelve judges summoned into the Star Chamber, there to give their solemn decision, “ That his majesty had power by the canon law of the realm, before and independent of any statute, to make, without parliament, orders and constitutions for the government of the clergy, *and to deprive them if they obeyed not* ; and further, to declare that if they petitioned in any numbers for the redress of any grievance that might arise out of this extravagant exercise of the prerogative, they should be guilty of an offence fineable at discretion, and very near to treason and felony in the punishment ;” “ thus making,” says Warner, commenting upon this passage of Neal (Puritans), “ the king absolute in all ecclesiastical affairs, without any limitation, or redress ; and paving the way for his being so in affairs of state.”\* Coupling this anxiety for slavery with their acknowledgment before mentioned, as having been delivered in by the entire clergy, with this Bancroft at their head, in 1605, to the privy council, in which they recognized in his majesty a paramount jurisdiction to judge, control, and reform them in their spiritual authority ; and recollecting that it was the same Bancroft who presided over the same men in the convocation, and drew up the canons, of 1604, before quoted, which were then and there unani-

\* Compare Neal’s Puritans, vol. i. p. 417, and note.

mously assented to,—can any reasonable man doubt for a moment that these canons meant to recognize in the king the most extravagant range of despotic power and prerogative, under the name of supremacy, even supposing the words of these canons to be less clear and comprehensive than they are? But lest there should remain the shadow of a doubt upon the subject, the monarch is permitted, just at this same time, to issue a doctrinal decree, altering the doctrine and administration of the most essential of the sacraments,—I mean baptism; and this he does by virtue *solely of his royal supremacy and prerogative*; the bishops assisting only under his direction, as his instruments and commissioners, their judgments being, as I shall show in a future lecture, wholly opposed to the innovation. And this exercise of supremacy is not only recognized as of right by these same bishops, but by the English Church in solemn convocation assembled. The Book of Common Prayer, says the canon (lxxx.), being altered “*ex auctoritate regiá, juxta leges et majestatis suæ hac in parte prærogativam.*” You know me to speak of the change effected in the Prayer Book, by the dogged determination of the king to take from the laity the important power of conferring baptism in case of necessity—a change than which one more vital or more important there could not be—and yet this extreme exercise of independent paramount authority in spirituals, which the pope in the plenitude of his power has never exercised, namely, the issuing of a dogmatical decree, altering and reforming the doctrine and discipline of the Church on so vital a point as the administration of the sacraments, and imposing that decree on the Church *by virtue exclusively* of his supreme jurisdiction, as head and governor of the Church, is not only

acquiesced in, but recognized; and not only is this particular act so recognized, but also, and in equally express terms, the authority by which it was exercised; the laws and prerogatives that secured that authority; and James' own interpretation of those laws, and of that prerogative—"ex auctoritate regiâ, juxta leges et majestatis suæ hac in parte prærogativam." "That authority," says Burn, and we agree with him, was "*exorbitant*." But the Church has sanctioned it, and erected it into a dogma; and the Church must now abide by it;—and after that let us never hear her or her children speak more of her independence.

It was necessary to go thus far into particulars, in order to expose the fallacy of the assumption taken by the Oxford divines; who are quite willing, nay forward, to acknowledge *the fact* of their Church's enslavement to the State; but who at the same time try artfully to insinuate that in this a great injustice is done her—a tyranny exercised towards her. Whereas it is plain, from the authentic acts and documents I have adduced, that the renunciation of all free agency in the guidance of her flock, was her unbidden, oft-repeated, solemn and deliberate act—an act ostentatiously put forward by her as a paramount duty of religion; binding as an act of necessary allegiance to the sovereign on the throne, and obligatory on them, and on all good subjects, and as such to be enforced in the name and with the sanction of religion. *The right, then, of the State to interfere with, and control every pastoral act, is the leading, characteristic, essential tenet of the English Church—the condition of her being—AND, WHEN IT CEASES, SHE CEASES WITH IT.*

Anything further by way of proof, after what I have just stated, of the untenableness of the position taken up

by the modern Oxford divines, would be only to indulge in a vain and driftless display of learning, and an unwarrantable waste of the time of my auditory. It is not therefore with a view to proof, though calculated to answer that purpose, but of illustration; and not of illustration merely, but because the matter is itself of the highest importance, and of peculiar interest at the present moment, that I now beg to call attention in an especial manner to one of these acts of parliament, which have been solemnly sanctioned by the Church, and one which affects, and affects it vitally and painfully even to this hour; I mean the 25th Henry VIII, c. 19, the celebrated *Act of Submission*. It is, to be sure, a strange thing, and one reserved for reforming times, to see a Christian Church referring her people for the statement of her doctrine, not to the book of Genesis or of Revelations, or any intervening book, but to the statute book—not to this chapter or to that, of either Testament, but to the chapters of an act of parliament. Yet so it is; we have seen it; and it is no business of ours to be critical, but to take up the statute book, as we are desired, and proceed. Our business, then, is to trace the history, and to deduce the consequences, of, in our mind, the most important enactment of the whole reforming code. This, with your permission, we shall try to perform at our next meeting.

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## LECTURE II.

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### HISTORY OF THE ACT OF SUBMISSION.

It was in the year 1529, that the gentle lady, Anna Boleyn, whose charms persuaded her royal lover that the pope's power in England was an usurpation, and the royal supremacy was his birth-right, wrought the downfall of that unfortunate minister, Cardinal Wolsey. He had, for fifteen years, been in the undisturbed exercise of the legatine power, and received his royal master's instructions to sue out the papal commission, for trying the celebrated divorce-case, which caused the final rupture of this country with Rome. Yet, in utter disregard of all this, and though he had in his possession the royal licence under the great seal; the unprincipled monarch, at the secret instigation of his mistress, had the perfidy to have his servant arraigned for doing his own bidding, under that terror of churchmen, and weapon of tyrants, the statute of provisors. The unhappy victim knew the royal temper too well, to produce in his justification what would have secured his acquittal before any jury in the country, namely, the license already mentioned; he preferred letting judgment go against him by default, and had to purchase his pardon by the surrender of all his property, and the resignation of the great seal. This, though immediately turned to account, in working the downfall of the English Church, was not originally de-

signed for that purpose: it was solely, as described, a court intrigue; originating with the *Mistress Anne*, as she was not inappropriately called, and her party who detested the cardinal. But the celebrated Thomas Cromwell, who by this time had passed from the service of Wolsey to that of the king, saw, with the sagacity of an unprincipled politician, the advantage to be derived from the circumstance, for effecting the subserviency of the whole body of the English clergy, to the wishes and passions of the tyrant on the throne. His object was to get the clergy to throw off the yoke of obedience to the pope, who had proved quite impracticable in the divorce case, and to transfer to Henry all that power which had for centuries been believed to center in the bishop of Rome, as head of the Church. For this purpose, it was necessary to intimidate the clergy; and to intimidate them, nothing more was requisite than to involve *them* too, in the guilt and responsibility of the already fallen cardinal of York. The course was open and easy. The statute, against which Wolsey was assumed to have offended, was framed not only against the principal transgressors of its provisions, but likewise against their fautors and abettors. Now, it was clear, that if Wolsey was guilty, as principal agent, in exercising the legatine jurisdiction, the clergy were his fautors and abettors in not resisting that jurisdiction, but on the contrary, submitting to it. Many a worse case has gone into the King's bench, and succeeded there too; and certainly, the times in question were not those in which traversers obnoxious to the court, could hope to escape from the fangs of an attorney-general properly instructed. At all events, this was the view of the matter which the clergy took. Terrified and amazed, they hastily assemble, and in their panic, offer to their offended sovereign, the emaciating sum for those



times of £118,840 ; more than one million and a half, it has been computed, of our present money, in lieu of a pardon. No doubt, their object was (calculating upon the well known rapacity of the monarch); so to tempt his cupidity by the amount of their bribe, as to cause him immediately to grasp at it, and so, allow them to escape. To their utter consternation, they receive for answer, that their advances are to be rejected, unless they consent to introduce into the body of the instrument making over the gift, the style and title of Henry as “Protector and *only supreme head of the Church and clergy of England.*” From such a proposition they of course, at once, and as it were instinctively, drew back ; but they did not dare to assume the only attitude which under such circumstances became them ; that of men wounded by the sole mention of such terms, and whose first duty it was to instruct the monarch on the impropriety of the step which he had prevailed on himself to take in their regard. No, they had recourse to the sad refuge of the pusillanimous, and the wavering—to expedient ; they lower their tone to the language of supplication—they entreat the monarch—they beseech him—but in vain. At length, after consultations and conferences, I know not how many, an expedient was devised ; it was to declare his highness, “the head of the Church as far as the law of Christ would allow.” And with this wretched salvo, the clergy were graciously permitted to approach the royal person, and lay their consciences and their treasure alike at his feet. It was enough ; the small end of the wedge was gotten in ; a few more strokes, and the independence and the respectability of the English Church were shivered for ever. These Henry was not slow in dealing.

The transaction just described took place in 1531. In

1532, the Commons, at the instigation always of Cromwell, represented by petition to his majesty, that the clergy had been in the habit of enacting canons and constitutions, at variance with the laws and customs of the realm. It mattered little whether the representation were true or false. Henry, in accordance with the part assigned him in the farce, forwarded the petition to the clergy, accompanied by a demand, that they should submit the whole body of their ecclesiastical code to the revision of a committee of thirty-two persons ; of whom, one half only were to be clergymen ; the other half laymen ; *and the whole to be nominated by himself* : and these lay-clerical nominees of the crown, were to be entitled to make what alterations they should please, in the laws which the Church had framed for the good of her people in spirituals. Against not one of these laws was there the slightest exception specified ; and they were for the most part sanctioned by the usage and the approbation of ages. Such was the king's demand, in reference to the past. In reference to the future, it was further demanded, that they, the clergy, should engage, never so much as to attempt to come together, in order to deliberate on any of the spiritual concerns of the flock committed to their care, under any pretence whatever, without the previous expressed permission of one of that flock, namely, the king himself, or his heir and successor for the time being ; and that even then, when permitted to deliberate, they should not presume to pass any resolution, no matter how called for, into a law, without his previous consent, sanction, and approbation to that effect.

It was a monstrous proposition, nor can we wonder that even the spiritless and enervated clergy of England were stung for a moment into something like a show of life and resistance. They drew up, indeed, in the first

instance, an eloquent remonstrance, in which they set forth, that they derived their commission to make laws for the government of their flocks in faith and morals from no earthly power, but only from Christ directly; and that this, their authority, was recognized by every crowned head in Europe, not excepting Henry himself. But all in vain. The monarch seems to have known better than themselves the stuff of which they were made; the language of remonstrance passed unheeded from their lips—that of supplication and entreaty succeeded; they deprecated his highness's severity; professed their readiness to submit the regulations of their Church to the judgment of his Grace alone, as well as to engage that no new constitution should in future be enacted without his consent; "*in consideration*"—they hypocritically added,—"*of his Grace's superior wisdom and zeal.*" But this *finesse* would not do. It was met by the peremptory demand, that "no constitution or ordinance shall be hereafter by the clergy enacted, promulged, or put in execution, unless the king's highness approve the same, by his high authority and royal assent, and his advice and favour be also interposed, for the execution of every such constitution among his highness's subjects."

"The king," says Strype, "made them buckle to at last." "It was another high block and difficulty," he continues, "for the clergy to get over, to reject the pope's power in England, and to acknowledge the king supreme head and governor in all causes ecclesiastical, as well as civil: but that at length they unwillingly yielded unto."\* And in thus buckling to (to repeat the quaint language of the memorialist), these abject

\* Mem. ii. 224.

creatures had the pitiful meanness to add to the number of the committee, who were to overhaul their enactments, the name of the very man who thus degraded them—and to affect to declare that they did so, “in consideration of his highness’s superior learning and piety.” Their object in this addition was, no doubt, to induce a belief that the concession was a personal one, which should determine with the life of the monarch to whom it was made : but the transparent and ignoble trick must have only provoked a smile of derision in the cabinet : at all events, it was seen through and defeated. Prostrate they lay at the feet of Henry, ready to be *Protestantized* to any extent it might please his Grace to require. What remained, but to throw over the slaves the provisions of an act of parliament, and rivet their chains for ever? This was to be Cromwell’s care. Their own submission once moulded into the form of an act of parliament, and duly affirmed by king, lords, and commons,—their thralldom was placed beyond redemption. This was the employment of parliament during the March of 1534, on the last day but one of which month, the royal assent was given to the celebrated 25th Henry VIII. c. 19, commonly known as “*The Act of Submission*,” from its title on the rolls of parliament. “*An Acte for the submission of the clergie to the king’s majestie.*” A title most expressive, since it has rendered the clergy submissive enough in all things, to his majesty, from that hour to the present.

The clause above-mentioned, as having been so artfully introduced by the clergy, with the view to restrict its operation to the existing reign, was quietly expunged ; while, as if to demonstrate, that the allegation of collision between the ecclesiastical laws, and those of the state, was a mere pretext, another clause was introduced,

giving to the very canons objected to, the force of law, until the crown should have leisure or inclination to revise and alter them; a period which has never yet arrived. In consequence of this clause, the old popish canon-law, is to this hour the canon-law of the protestant Church of England, imposed on her by her new masters, whether she would or not; and the first enquiry in each bishop's court, upon the coming on of a new case is; "How stood the canon-law in the good old popish times? What has this pope decreed, and that other resolved? What are the canons of the council of Lateran, or of Lyons, on this subject? What says this popish cardinal, that popish bishop?" And the second question is, "how far, if at all, has that popish canon-law been since modified—not by the laws of the substituted Protestant Church; by no means; but by the statutes of the realm; the enactments of the Protestant Church being a matter of no consideration whatever in the question, save so far as they declare, and only declare the previously existing enactments, which were made without them by the *superstitious* and *idolatrous* Church of Rome.

Of this we have lately had in our own city an apposite illustration, in the case that was called by appeal before the Queen in Chancery; I mean that of *Wilson* against *Daly*, for the deanery of St. Patrick's. The merits of the case, it may not be uninteresting to be told, turned upon this: the appointment to the deanery is by election of the canons; upon a scrutiny it was found that Daly (the present bishop of Waterford) was left in a minority, and that Wilson was dean by a majority of two, or one, I know not which: but, on the other hand, in that majority voted Dr. Todd, as treasurer of the chapter, and Dr. Whately, as prebendary of Cullen. Now the archbishop never swore canonical

obedience to the head of the chapter. It would be a curious sight to see the archbishop swearing obedience to one whom he regarded as his own subaltern; and again, he did not comply with the conditions of subscribing the Act of Supremacy and the Book of Common Prayer, as prescribed by the 13 and 14 Charles II; nor did he use the liturgy within his prebend, as required by the same statute; and accordingly, as all these conditions are required for validly enjoying his prebend, it was contended that he was incapacitated from voting. Against Dr. Todd the objection was of another kind; which, however, I would have my auditors attend to, as illustrative of the dependence of the spiritual on the temporal in this Anglican Church. The royal commissioners have unceremoniously done away with the ecclesiastical dignity of treasurer to the chapter, but have at the same time empowered the chapter to name an officer to act the part of treasurer, delivering over to themselves the treasure. Now how is Dr. Todd's vote affected by this regulation? He votes as treasurer, but the commissioners will not allow of any treasurer, properly so called. However, they admit of the nomination of a person taking the place of treasurer, to perform whatever else was wont to be required of that officer, over and besides his meddling with the treasure: the question then is, does the proviso extend to the giving Dr. Todd a vote like the officer of old? Now to determine both these nice questions, who and what would my hearers think are the authorities that have been argued from by counsel learned in the law, and adjudicated on by the late vicar-general to the said archbishop? No other than the Popish canon law, the decrees of Innocent III, and others, as expounded by Van Espen, and I know not how many more canonists, all Popish priests. This is



the plight in which good Mother Church has been left by the 25th Henry VIII, c. 19,—the Act of Submission. If any one would wish to look into this curious case, he may ask at his bookseller's for *Todd's Report of Wilson a. Daly*.

"It is to this proviso," says Dr. Cardwell, commenting upon the section of this act which confirmed the whole canon law of the Pope; "It is to this proviso that the Church of England is indebted for the interest it still possesses in the constitutions of popes, and the ordinances of papal councils, and for that peculiar darkness which still continues to brood over ecclesiastical laws." "The business upon this head," says Burn (*Eccl. Law*. pref. p. xxxv.), "must be to inquire, first, what is the canon law upon any point, *and then*, to find out how far the same was received here before the said statute; *and then*, to compare the same with the common law, *and* with the statute law, *and* with the law concerning the king's prerogative (which is also part of the common law), *and from thence will come out the genuine law of the Church*."

Blessings on the memory of the eighth Harry, and of that parliament which helped him to enact that precious medley of legislative confusion, ycleped the 25th Henry VIII, c. 19! It has worked well, however, for what Henry principally wanted—the enslavement of the Church by law established. "The king," says Dr. Cardwell, "was determined to bind his fetters in such a manner that no strength or artifice on the part of his prisoner should enable him to escape from them; and we know from the subsequent history of the Church, and the many fruitless attempts which have been made to obtain a relaxation of them, that the king's design has been eminently successful." Pray, why did not Mr.

Newman and his helpmates call next door on their friend at St. Alban's, ere they committed themselves before the nation with such preposterous doctrine as that of their Church's Divine right and independence?

Such, then, is the history of this celebrated statute, the most important, perhaps, in the history of this country's legislation; the most important, certainly, of those connected with the change of religion: all the other enactments being in effect but so many expansions and developments of this; or else, the application and exercise of the powers wrested by it from the clergy; and from the clergy transferred to the rulers of the land. It remained in force until the accession of Queen Mary, when it was repealed; but the first legislative act of her successor, Elizabeth, the second founder of the English Church, was to revive this act of submission; and ever since it remains the law alike of the Church and State;—fixing and regulating their relative positions; conferring superiority on the one; imposing the galling yoke of subjection on the other; and giving the State the same control over the movements of the Church, which the curb-rein gives the rider over the motions of his steed.

Here I cannot repress the expression of my surprise, that the learned Dr. Lingard, in the article attributed to him in the *Dublin Review* (May 1840), entitled, "Did the Anglican Church reform herself?" should have omitted all allusion to this, the foundation, as it was the first, of all the reforming statutes of Henry's eventful reign. Surely that eminent writer could not have thought that a statute which at one swoop transferred all the legislative, and administrative, and even deliberative power, which was ever conceived to reside in the Church, from that Church to the King, was not a reforming statute, and a very sweeping one. And this

appears the more surprising, as the nature of the writer's argument seemed to demand it. He had undertaken to show that the clergy were not free and spontaneous agents in the change of religion which took place under this and the following reigns, but were rather coerced into it by the government. Now not only does the history of this first and most important step in that proceeding go to demonstrate so much; but, furthermore, it was requisite that whoever would treat that argument, should meet and disprove the contrary allegation made in the preamble of the bill, and since repeated by various Protestant writers: namely, that "*the king's majesty justly and rightfully is, and ought to be, supreme head of the Church of England, and so had been recognized by the clergy of this kingdom in their convocation.*" It was necessary, I say, that such an allegation should be met, as it were, upon the threshold, stripped of its fallacy, and exposed in its nakedness and dishonesty. This, however, Dr. Lingard, in the paper abovementioned, does not attempt, although the very introduction of such an assertion into the preamble of the bill should have warned him of the importance which its framers attached to the circumstance.\*

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\* The learned writer of the article in question, after exchange of several letters on the subject, has come to recognize his mistake as to the importance and history of this statute.

## LECTURE III.

MAY IT PLEASE YOUR GRACE,

IT will possibly be within your grace's recollection, that, when last I had the honor to address you, at the head of this academy, I took occasion to advert to that celebrated enactment, so well known by the name of *the Act of Submission*; and that after having deduced its history, and described the general outline of its provisions, we arrived at that point in our examination, which enabled us to say, that the Church established in these realms was *a slave*. It was a circumstance, too, not to be overlooked, that we were further enabled to put forth that conclusion, in the words of a writer, who is quoted as authority from the episcopal bench, as well as in the spiritual courts; and in a work that has come forth within the last year, from the University Press of Oxford, I mean the *Synodalia*, of Dr. Cardwell, Camden Professor of History, and Principal of St. Alban's Hall. The extract is short, and it will serve to set us fairly on our path, if we turn back upon it for a moment, and read it for you again. "The king was determined to bind his fetters in such a manner, that no strength or artifice, on the part of his prisoner, should enable him to escape from them; *and we know, from the subsequent history of the Church, and the many fruitless attempts which have been made to obtain a relaxation of them, that the king's design*

*has been eminently successful."* The Church then, once more, is a *slave*.

To judge, however, of the extent to which this memorable statute has wrought the enslavement of the Church, as by law established, it will be necessary to note, with somewhat more of precision, its effects, as it came into operation, and as they have been defined with authority from the bench, by constitutional lawyers of acknowledged eminence. In doing so, I shall avail myself, as far as possible, of the words of Protestant writers of unquestioned orthodoxy, lest, perchance, a statement, which, to those who have never previously enquired into the matter, may appear startling, should be thought to have borrowed somewhat of its apparent exaggeration from the prejudices of him who has the honor to address you.

"First, then," to use the words of a living writer, the Rev. Thomas Lathbury, in his recent *History of the Convocation*,\*—and I only select him because he is the first to my hand; Coke, and Burn, and Blackstone, and Wake, and a host of others, being precisely on the same word.—"In consequence of this statute, the convocation can only be assembled by the king's writ. Secondly, when assembled, it cannot proceed to make new canons without a royal license, which is quite a separate act from the permission to assemble. Thirdly, having agreed upon the canons, they cannot be published, or take effect, until confirmed by the sovereign. Fourthly, even with the royal authority no canon can be enacted against the laws and customs of the land, or the king's prerogative."† The plain meaning of all

\* P. 115.

† Thus, to exemplify, neither the thirty-second of the Thirty-nine Articles, though sanctioned by the queen, nor the queen's own injunc-

which is, that, for all the purposes of legislation, the English Established Church is utterly powerless, save when she is permitted to act by the State; a permission which requires to be renewed at each successive step of her proceedings; and finally, her completed and ratified enactments—ratified, I mean, by the whole clerical body—require the royal sanction and confirmation; as otherwise they become so much waste paper: and yet the Oxford divines gravely tell us the Church is independent of the State! “My own opinion,” says poor

tion of 1559, were of the least avail to legitimate the marriages of the new bishops and clergy. They remained, as they were, condemned alike by canon and municipal law—by the Church and the State—until the succeeding reign, when they were made legal. Elizabeth herself took this view of them; telling the archbishop’s lady on one occasion, very plainly, that she considered her as the archbishop’s “mistress,” and not “Madam” Parker. The poor archbishop himself, she, on another occasion, rated, or, as he terms it, “abashed,” in presence of the dean of arches, and others of his officers, in good round terms, for the state in which he and the other bishops were living, under the pretended veil of marriage; “in so much,” he says, “that the queen’s highness expressed to me a repentance that we were thus appointed in office, wishing it were otherwise;” together with such other observations, that “I was in horror to hear such words to come from her mild nature, and Christianly learned conscience, as she spake concerning God’s holy ordinance and institution of matrimony.” (*Parker to Cecil, Strype’s Parker*, Appen. No. xvii.) The whole letter is worth perusal. When Parker’s lady died, she was called in the law deeds by her maiden name, “Parker, *alias Harleston*,” and her brother was declared her “heir,” though she left children by the archbishop. The father had to apply for letters of legitimation for them, in which he succeeded; and in this way the bishops of Elizabeth’s reign had to remedy some, at least, of the defects of their children’s origin. The clergy of Bangor seem to have looked on the ceremony of marriage, under such circumstances, as an unavailing form; for in place of having recourse to it, we find them applying to the bishop, who for a trifle of money gave them a license to keep a concubine.—*Strype’s Parker*, 203 and 511; *Hallam’s Const. Hist.* i. 187, note.



Mr. Lathbury, with great simplicity, "my own opinion on this matter is, that the Church should have more liberty, and should not be restrained from making canons for her own regulation."

Yet this Mr. Lathbury has rather understated the case. It is undoubtedly true, that, as he says, the Church cannot so much as come together, and form herself into a synodal assembly at all, without leave from the crown; very different in this respect from what we see before the Reformation, when the Church could meet on her affairs without any such restriction, as acknowledged by archbishop Wake.

Secondly, when so assembled, she cannot proceed to deliberate without further leave from the crown: in fact, the king in council claims, and has ever in practice asserted, his right of determining both the matter to be discussed, and the decision to be arrived at. "By this act of submission," says archbishop Wake,\* "made in the 25th Henry VIII, the king's prerogative in this particular was somewhat enlarged, and the metropolitan's authority not a little abridged; for from henceforth the archbishop was restrained from assembling his provincial synod, without the king's writ to license and authorize him." "Whenever the archbishops called their convocations in obedience to the king's writ, they were obliged to continue their sessions *in such wise as the king's affairs required, and for that were accountable to him. So were they afterwards obliged to take his directions* as to the management of their assemblies when convened, and not to deprive the prince of the opportunity of making *whatever use of them* he had either been accustomed, or *should otherwise think fit legally to do.*"

\* State, 439.

In the third place, convocation cannot pass any enactment ; no, not on the colour of the ribbon that ties a surplice, without such an enactment being previously revised, corrected, and amended, or sanctioned and ratified, by the crown. But fourthly, it is true that even with the royal sanction these canons are of no avail, so far as the laity are concerned, without an express act of parliament to give them that force. "They are utterly impotent," says Judge Foster, "to alter the private customs of a single parish." "As for the canons of 1603," observes Judge Blackstone,\* "enacted by the clergy under James I, and never confirmed by parliament, it has been solemnly adjudged upon the principles of the law, and of the constitution, that where they are not merely declaratory of the ancient canon law [you will please recollect that this was the old popish canon law], but are introductory of new regulations, they do not bind the laity, whatever regard the clergy may think proper to pay them." So that it appears by this, that upon the only one occasion on which the poor Church of England was ever permitted by her hard taskmasters, to come together and try her hand at law-making,† she succeeded admirably well in just forging chains to bind herself. "This, say the judges," I quote from Mr. Christian,‡ "is not denied by any one."

Yet, if we are to believe Mr. Lathbury, even this poor privilege has been denied the Church ; and, harder still, by some of the more zealous of her own children. "Some persons," he says,§ "have asserted that they have no authority at all ; whilst others, even in the

\* Vol. i. p. 83.

† The attempt of 1640 was but a waste of time and paper.

‡ Blackstone, *ibid.*

§ Page 210.

committee of the *Christian Knowledge Society*,\* have denied that they were canons of the Church." Hard fate! that the little shred of authority which has been left this poor Church, by the State, should be torn off her shoulders by her own children, congregated, too, under the pretence of helping her: but, indeed, they have no right; the clergy have power to make laws to bind themselves,—*that is, when the king lets them*. But as to the other question, raised in the committee of the Christian Knowledge Society—Are these laws what men usually understand by canon laws? We are obliged to answer in the negative, and to side with those amongst them, who say '*no*;' for by the word *canons*—all over the world, both before and since—has ever been understood laws made by the proper ecclesiastical authority, to bind the faithful generally, whether laity or clergy, in religious matters, according to the nature and extent of the case. "A canon," says Ayliffe (Introd. vii.), "is so called, because it is, or at least ought to be, a rule unto every man's actions in the affairs of the Church and of religion itself, by leading him in a right and regular way of living in point of practice." Now if this be a proper description of the word *canon*,—and, at least, it is that adopted by all canonists,—in vain would the Protestant Church of these realms lay claim to the power of making such: the laity utterly reject such control, and the clergy have never attempted to enforce it. Is it not, then, obvious that in this view, the so-called canons of 1603, are not properly canons at all, but only conventional rules among the clergy them-

\* This society has been designated, from the episcopal bench, "*the correct expounder of evangelical truth, and firm supporter of the Established Church*."

selves ; bye-laws, to regulate their own particular doings, like those of any other corporation, and, indeed, with a less amount of power than those of other corporations !

“ All future convocations of the body spiritual, for the making of canons,” says Judge Foster,\* “ are by this act [the Act of Submission] laid under greater restraint than, I think, any petty corporation or trading company in the kingdom was ever subject to, with regard to its bye-laws. Indeed all fraternities, which have power to make bye-laws for their better government, have it under this restriction, that their ordinances shall not be repugnant to the prerogative, or to the laws and customs of the realm. But the subjecting every person making, promulging, or executing ordinances repugnant to the prerogative, or to the laws of the kingdom, to fine and imprisonment, at the king’s will, is a severity peculiar to the case of his lordship’s† spiritual legislature. Of the same kind is the proviso, that the clergy in convocation shall not, under the like penalty, attempt any canons (or, as it has been expounded by very great authority, shall not so much as confer, in order to the making any canon), without the royal license first obtained. These, I say, are instances of caution and severity, peculiar to the case of synodical bye-laws, which nothing but the experience of grievous misbehaviour on the part of the clergy in times past, joined with an apprehension of future transgressions in the same way, could have suggested.”‡ It is quite evident that this judicial writer thought the canons of the reformed English Church, mere bye-laws of a very inferior description.

\* A contemporary of Lord Hardwicke’s, and his brother justice on the same bench.

† Bishop Gibson, whose doctrine on the power of convocations, the learned judge was combating.

‡ Examination of Scheme of Church Power, &c. p. 88. Dublin: 1735.

But the great and decisive authority on this subject, is the celebrated judgment of Lord Hardwicke, in the case of Middleton and Croft; when his lordship, in the name of the court, pronounced this solemn decision: "We are all of opinion that the canons of 1603, not having been confirmed by parliament, do not *proprio vigore* bind the laity, I say *proprio vigore*, by their own force and authority; for there are many provisions contained in these canons, which are declaratory of the ancient usage and law of the Church of England, received and allowed here, which in that respect, and by virtue of such ancient allowance, will bind the laity; but that is an obligation antecedent to, and not arising from, this body of canons." "In all the acts of parliament," the learned judge goes on to say, "since the Reformation, for confirming forms of prayer, and other ecclesiastical constitutions, the preambles show that the clergy in convocation were only considered as the proper assembly to prepare and propound them, but not to enact or give them their force. It was objected indeed in this argument [the argument, his lordship means, by counsel in the case], that the confirmation in parliament did not give being to them, as laws to bind the laity; but was designed merely to enforce them by the addition of temporal penalties. But that is not the only reason, though it is one. The true use of these confirmations in parliament, was the extension of such constitutions over the laity, who would otherwise not be bound." So that, in the fourth place, the Church is utterly powerless to make laws for the guidance of her people in faith and morals; that is, she is wanting—wholly and deplorably wanting—in ability to discharge the first and most essential function of a Christian Church.

Here Dr. Cardwell steps in, and in a note (a) to the

preface of his *Documentary Annals*, says that “synodal and mandatory acts [by which last he means royal injunctions, inhibitions. and the like], in matters ecclesiastical, though they cannot be enforced in all cases *proprio vigore* in courts of law, are still binding on every member of the Church as such, *in foro conscientie*.” Dr. Cardwell does not support this assertion by either reasons or authorities; and, truth to say, we believe it would be hard for him. He is certainly bolder than his Church; she, in her synod of 1603, went to the very verge of saying this, but shrank back from it. With a degree of cunning and small dexterity, but ill comporting with the dignified simplicity of a grave ecclesiastical council, the convocation of that year sought, by introducing the name of the laity in her penultimate canon, to insinuate that they were bound by her laws, but she did not dare openly to say so; she strikes with her anathema those who affirm, that none, *either* of the clergy or laity, save those who were present in convocation, were subject to its decrees, because not consenting to them; which is quite reasonable, since the clergy were present, and consenting by their representatives. On that account, as well as by virtue of the royal authority extending these decrees over them, they (the clergy), though personally absent, were bound by the acts of the synod; and this was enough, that the canon in question should be consistent with the truth: but in order to this, it was not necessary that the mention of the laity should be introduced; why then were they mentioned? simply, as I have said, that what the synod was afraid directly to assert, might be inferred,—namely, that the laity were bound. That this was the intention of these grave and reverend personages is plain, from their conduct and language immediately after, in the



House of Lords, where they sought to give this construction to their acts, but were defeated by the firmness of the legislature.\* We must therefore pray Dr. Cardwell's excuse, if we refuse to take his unsupported assertion upon a matter which his Church did not choose to decide.

It was in the year 1839 Dr. Cardwell put forth this doctrine; it was then unqualified. In the past year, however, he, in another note (note *n* to the preface of his *Synodalia*),—which is altogether so very curious, that I regret the want of time to read it for you,—puts this same doctrine through a sort of straining or squeezing process, which reduces it very considerably: in fact, he calls upon the laity to make a variety of what he terms *deductions*, *abatements*, *considerations*, and *qualifications*, which the said laity have neither time, talents, nor education to make; and then, after these “important abatements,” he tells us, “there is still some degree of obligation remaining; and whatever that may be, and however impossible it may be to convey it in any prescribed rule of conduct, it represents the real extent to which the canons of 1604 are still binding upon the lay members of the Church,” and “this extent is to be determined by each individual for himself,” thereby “contracting a degree of responsibility which, from the nature of the question, the Church cannot exercise for him.” Heaven help the sapient head of the Principal of St. Alban's! Why, the problem he here sets every clown in the Establishment “to determine for himself,” would puzzle the cleverest casuist who walks his hall: and yet to that task he sets every collier, and miner, and ploughboy, and blacksmith in his Church; and all in

\* See Lingard, vol. ix. p. 29, fourth edition.

order that this Church may appear a something, whereas she is really nothing. If, indeed, she did possess any authority in the case, her duty would plainly be to release her children from the operation of laws which command no respect, and could only, in Dr. C.'s supposition, serve to excruciate a few tender consciences. But as that is beyond her power, the next best thing, we think, she can do, is to set Dr. Cardwell to compose a popular treatise on that sort of ethical and theological algebra, in which he seems such an adept, and then put the laity to work out for themselves the nice problem he places before them, of the extent of their moral obligation to the canons of 1604,—taking care to put down  $x$  for the unknown quantity; and at the rate matters have gone on between 1839 and 1842, we augur that, at the end of another triennium, it will be found equal to nought ( $x=0$ ).

Meanwhile, mark what a position he puts the head of his Church in: from his doctrine it would follow, that not to obey such synodal and mandatory acts would be immoral and insubordinate, and, consequently, that the courts in which the violators of these acts would be sure of protection, would be the supporters and abettors of disorder and insubordination,—insubordination, too, of the most grievous kind, as being opposed to the most sacred authority. Is Dr. Cardwell prepared to assert this of the gravest functionaries in the land,—the dispensers of public justice? It is at all events clear, that neither the law nor public opinion looks with so much censure upon those who invoke the protection of these courts, nor upon these courts themselves.

But, in the instance of royal mandates the case becomes still clearer, while the principle is the same:\*

\* The king in council can make what laws he pleases for the

for if these are binding in conscience, and yet, in the king's courts, that justice which flows from the king himself, as its source, will protect the violator of these mandates, then the king is at variance with himself,—declaring, on the one hand, that his mandates have the highest possible sanction, that of conscience; and on the other, that they want the lowest,—that of being enforced by his own right arm, himself being the judge. Is not this to place the sovereign in an awkward and unenviable position, not to say a dangerous one, as calculated to expose his ecclesiastical power to contempt and ridicule? In the case supposed, the royal authority is contemned in its mandate: well, the direct object of the supremacy is, “to correct *all contempts and abuses*,” those of course, principally, that are directly levelled against itself; yet here it screens the contempt and the abuse! The man has committed a sin,—he has violated conscience. This is surely a case for the interference of the judge, *pro salute animæ*. No, replies the judge; the health of the man's soul requires that he should be patronized and shielded in his sin! This is the inevitable conclusion, if Dr. Cardwell's position be true. “Laws are not for the just, but the unjust,” says St. Paul; but in Dr. Cardwell's supposition, the more just a man is, the more does he feel the restraints of the law, while the unscrupulous and unjust reject the yoke with ease and impunity.

But, to go a little more closely, will Dr. Cardwell inform us, is not this privilege of exemption from the operation of ecclesiastical laws, that are unsanctioned by parliament, a privilege under the constitution? and if it

Church or clergy. The clergy in their synod cannot make the smallest regulation without the ratification of the king. Both these principles were established *by the clergy, and with their fullest approbation, in the year 1603-4.*

is, when did it become morally wrong to use one's constitutional rights and privileges? It is in this way that English Churchmen have ever been aiming at the nation's rights and liberties. Not that we believe Dr. Cardwell means this, but it is the tendency of his principles. But be it known to Dr. C., that an Englishman holds his constitutional rights and exemptions by the same tenure that the sovereign holds his supremacy, the Church its authority, and churchmen their livings; he holds them under the law,—a law that does not confine itself to temporal matters, as in other countries, but, *according to the doctrine of his Church, extends, by an equal and coextensive right, to spirituals*; and this is the reason why, in ecclesiastical matters, there can be no obligation in conscience beyond the law. The Church, in connecting herself with the State, gave up her right to impose an independent conscientious obligation. She speaks and acts through the law; in the law she lives, moves, and has her being; and out of the law she has no existence. The people know and feel this, and so should Dr. Cardwell: nor can it be prudent to be questioning the privileges and benefits conferred by law. Should the people ever be brought to think lightly of what the law bestows, they may be for applying the principle in directions not the best suited to the convenience of Dr. Cardwell and his friends. There are such things as bishoprics and snug livings in the world. But to resume:

The canons of 1640 are in existence; Dr. Cardwell says, and says truly, that the legislature never cancelled these canons, but contented itself with withholding its sanction from them, leaving them simply to their synodical force.\* This, then, is a case in point. Dr. Cardwell

\* Synodalia, vol. i. p. 386.

acknowledges that they do not bind in conscience, or in any way. Why not? they have all the conditions Dr. Cardwell requires; they are synodical acts, duly sanctioned by the crown, and never revoked; they have, in a word, the same sanction and authority which the canons of 1603 have; why, then, once more, are they not binding? If Dr. Cardwell's doctrine be true, they should be held to be obligatory; yet Dr. Cardwell himself says they should not. We leave it to Dr. Cardwell to reconcile himself with himself. "The force of public opinion" has prevented them, says Dr. Cardwell,\* *from passing into acknowledged laws to the Church*. Public opinion! but what is public opinion in the case, but the refusal of the laity to obey them? And is the refusal of the laity to obey, a sufficient exemption? If so, the controversy is at an end. "These public censures of the canons [of 1640]" says Bishop Kennett, "were grounded upon prejudice and faction."† "And it were to be desired," he adds, "that those canons were revived." But if the dogged and factious refusal of the laity to obey such canons is sufficient, according to Dr. Cardwell, to deprive them of all power to bind *even the clergy who passed them*, can any valid reason be assigned, why the same public opinion should not deprive them of all power as laws to bind the laity? Public opinion, in the case of the canons of 1640, has done the greater

\* Synod. Preface, xxviii.

† Dr. Cardwell, on the contrary, thinks these censures were an exercise of *public opinion in its healthful condition*. No great compliment, it must be confessed, to his Church; and, if true, another very sufficient reason for the laity to deny that Church the power to bind them, without previous examination and approval of her enactments.

thing ; why not, in the case of those of 1603, be capable of doing the less ? But we dwell too long on this matter. The position is plainly untenable. It is, however, valuable, as revealing the foregone conclusion in the writer's mind, that a Church congregated in deliberative assembly, and announcing to her children, after the maturest consideration, her will on the gravest concerns of immortal life, in the calmest accents of heavenly wisdom, and under the solemnest sanctions of religion, and which yet recognizes in these her children, and in their representatives sent into parliament to advocate, very possibly, factious and jarring interests, and, at all events, better fitted to determine on turnpikes and tariffs than on spiritual matters, a right to refuse their obedience to these her laws, even, perhaps, when they are most required ;—this, I say, the writer saw to be a suicidal act,—a mockery, and therefore an impiety in religion, and a solecism in language ; and this is what put him on his shifts to make out a case for her. Piti-able condition for a clever and respectable man !

In the fourth place, then, the canons of the Church, if not sanctioned by the lay legislature, have no power, either in law or conscience, to bind the laity : now, such is the condition of the only canons this Church has been ever allowed to pass ; her canons, therefore, are no canons, they are but an inferior kind of bye-laws for the clergy themselves. But,

Fifthly, when the lay legislature does sanction the enactments of this Church, the very fact takes them altogether out of the hands of the Church : they may require to be altered, modified, annulled ; they may become, by the lapse of time, obsolete, inconvenient, ridiculous,—or even in their language indecent : no matter ; the Church cannot alter one of them ; she is



wedded to them, "*for better for worse*," till parliament doth her and them part. In fact, there is not a little rubrick in this Church, that does not derive its authority from a lay parliament; while to repeal or dispense with the least of them, is beyond the power of the entire body of the Church.

The cup of humiliation for this unfortunate Church is not yet full. To crown her anomalies, and make her a bye-word among the nations, the lower house, that is, the mere parsons, have a right to put a veto, with or without reason, as they please, on the proceedings, *even unanimous*, of the metropolitan and bishops; "a thing," says Bishop Kennett, "never before attempted by any presbyters, in any Church;" a power, too, which, in their day, they did not use over scrupulously, having thwarted the proceedings of convocation for a series of years, until at last the minister of the day was obliged to come down and abate the intolerable nuisance, by turning the convocation out of doors, and never allowing it to meet for business again; "thereby," adds Archbishop Tennyson, "giving the greatest blow to the Church that hath been given to it since the Presbyterian Assembly that sat at Westminster."

Will the Oxford divines rise up, after this, and gravely tell us that the bishops are, in Church affairs, independent of the civil power?—that the bishops are its governors by Divine right? Have they, then, the power to enact laws? No. To meet and deliberate on the regulations which the varying circumstances of the times have rendered wise and salutary? No. Can they give sufficient time and thought to these important deliberations, uncontrolled by any superior power, having other and distinct interests; for instance, by the minister of the day, even supposing him a Bolingbroke? No. Can

they enforce the observances of whatever rules and regulations they may adopt by a penal or remunerative sanction, as they may judge fit? No. Can they, in the exercise of their discretions, revoke, or suspend, or modify these laws? No. To each and every one of these questions, the answer is an unqualified NO. And if, on the other hand, it be asked, can other independent powers, persons, or bodies, such as, for example, the king, his councils, or his parliament, interfere with the making or operation of these laws, the answer is necessarily and decidedly, YES. And yet we are doomed to listen to some learned divines from Oxford, talking of their Church's independence, and their bishops' powers by Divine right! If in these matters these bishops have a particle of Divine right, they are the veriest traitors to the trust reposed in them; having, in every instance, placed it at the feet of the reigning powers of the day, to be exercised as they should direct, or not at all, should it so please their worldly masters; and this not by any peculiar weakness in themselves, as individuals, *but by a vice, or a virtue, call it which they please, inherent in the system.* It is now some hundred and thirty years since their power to provide, in convocation, for the wants of their flocks was practically crushed by the minister of the crown. How have they brooked this intolerable act of tyranny,—supposing them to have a Divine right? Have they exhibited the calm, but intrepid front of men conscious that they had a trust from heaven, and determined to vindicate it? No such thing: a bow at court, a triennial charge, or an occasional speech in their place in parliament, filled up the measure of their harmless lives. Did they, then, believe that they got their Divine commission, to wear, as men wear their shoulder-knot, more for ornament than use? or,

when the awful hour of death approached, do we hear that they trembled at the account they should soon be called to render to the dread Judge for this base surrender of their Divine commission? and when, at last, they sank into their graves, did any particular opprobrium attach to their memories, at having shrunk from meeting the responsibility that awaited them, called on, as by the supposition they were, to assert their heaven-derived authority in despite of the menaces or the usurpations of power? was their removal from the scene felt by their brethren to be a relief to their order, as the servility of their lives had been its reproach? Nothing of all this; the well-behaved discretion with which they confined themselves, ever after, to such harmless occupations as confirming a few children, and occasionally letting fly, from the episcopal pop-gun, at the old target, Popery, was felt to be just the measure of merit required from them by their Church system; and nothing can be more truly ridiculous than the high heroics in which Mr. Newman indulges, when, in his history of the Arians, he says: "Meanwhile we may take comfort, in reflecting that, though the present tyranny has more of insult than has hitherto attended the ascendancy of Arianism, we may rejoice in the piety, prudence, and varied graces of our spiritual rulers, and may rest in the confidence that, should the hand of Satan press us sore, our Athanasius and Basil will be given us in their destined season, 'to break the bonds of the oppressor, and set the captive free.'" "Fine words," says somebody, "I wonder where you found 'em!" Athanasius and Basil, indeed! What did Athanasius or Basil know about an "Act of Submission"? The tyrant on the throne might do as all tyrants have done from the beginning, and ever will do to the end: he might imprison, banish, torture, put them

to death ; but he could not quote against them one of their own canons approving of such an act as the 25th of Henry VIII, and of a long list of similar statutes, made by the tyrant to confirm and extend his own usurped spiritual power : or if he could have quoted against them any such slavish surrender of the most sacred of rights, they would have had the grace to hang their heads and blush, rather than expose themselves to the ridicule of mankind, by spouting of Divine right and independence. No, Mr. Newman ; believe me, it is not in your Church to produce an Athanasius or a Basil : matrimony and martyrdom go badly together. “ Non si te ruperis par eris,” says the little frog, in the fable, to the big one, when it was swelling itself to the size of the bull. One squall from the little dearies,—one scream from mama,—would spoil a dozen of Athanasiuses. You may call your spirits from the vasty deep, but no Basil or Athanasius there.

“ Nec erit Brutus, Bruti nec avunculus usquam.”

And now, from this negative conduct of the bishops, to turn to something more positive. When, in 1703, the lower house of convocation, namely, the parsons, urged the bishops collected in the upper house, one and all, to declare, by a solemn decision, their own Divine right, what was their answer,—the answer, mind, of the bishops of England, congregated in solemn synod? Why, that they had not authority to assert their Divine right ; that is, according to the best interpretation that can be put upon it, that they had indeed a Divine right to teach and to govern, but they had *no human right to declare it!* But, sure, what the bishops themselves shrunk from, the Oxford divines will do for them. But pray, to proceed a little further,—if in any one instance the bishops,

or, to make the case stronger, the whole congregated Church, bishops, presbyters, and all, were to be supposed to have a Divine right and authority, would it not be, in the case of heresy, to examine, to judge, to condemn, and point it out to their people, that they might be protected from its contagion? Yet, precisely in this case, the congregated bishops of England, with their deans, archdeacons, prolocutors, proctors, and presbyters, have no power whatsoever! And if the Oxford divines will ask what is our authority for this assertion, we shall answer, one which they cannot — will not — refuse, namely, the entire body of the bishops themselves, in solemn convocation assembled; and this not once or hastily, but repeatedly: for instance, in 1689; in ten years afterwards, in 1700; in four years after, in 1704; and in six years after, in 1710.

This last case is so curious, and so illustrative of the utter inability of the Church to perform the first and most essential function of a Church, that I must needs beg your indulgence, while I shortly narrate the facts. I shall take them principally from Lathbury and Burnet.\* In the year named, the attention of convocation was directed to the views entertained and advocated by Whiston, the mathematical professor at Cambridge. Burnet calls it an incident: "An incident happened," says he, "that diverted their thoughts to another matter." Whiston was removed, for his errors, from his post in Cambridge by the university, after which he published a vindication of himself, and paraded his defiance of the convocation, by dedicating to them the obnoxious production. The convocation were stunned. Their powers in the case were more than dubious; yet here they were

\* Burnet's Own Times, p. 867. Lond. 1838.

insultingly defied. Perplexed and chagrined, their first act was, to examine if indeed they were so utterly shorn of all power to vindicate themselves in a case like this. The archbishop draws up a paper on the subject, in which he submits his opinion to the bishops, that they must attempt the censure of the book, and, if possible, of the author. He does not dissemble the difficulties,—of which the principal was, that the first of Elizabeth, c. 1, annexed *all jurisdiction respecting heresy to the crown*. “Here,” says Burnet,\* “*they were brought to a stand.*” The next difficulty was, that the high commission court, in which such matters had been adjudicated, was suppressed after the Restoration, when it was enacted that no *similar* court should be erected. So that it was necessary to consider whether the revival of the judicial authority of the convocation, was the erection of such a court. “As the case,” says Lathbury, “was involved in difficulties, the upper house presented an address to her majesty on the subject, stating the offence alleged against Whiston, namely, that he had advanced certain positions, which were damnable and blasphemous, against the doctrine of the Trinity, expressly contradicting the two fundamental articles of the Nicene creed, and defaming the whole Athanasian. They then express their desire to repress blasphemy, *according to the powers granted by her majesty’s license*; but that certain doubts have arisen respecting their powers. They were especially in doubt, whether an appeal would lie from the convocation to the crown.” This last was a subject of particular anxiety to their lordships; since, as Burnet says, “in case of appeal, the question would arise, by what delegates *our* (the bishops’) sentence was to be ex-

\* Own Times, p. 867. Lond. 1838.



amined? were no bishops to be in the court of delegates? or was the sentence of the archbishop and his twenty-one suffragan bishops, with the clergy of the province, to be judged *by the archbishop of York and his three suffragan bishops?*" This was no very comfortable prospect, in case of appeal. They, accordingly, pray her majesty to submit the case *to the consideration of the judges*. How these same judges must have laughed!

The judges, however, did consider. They *all* agreed that an appeal did lie from the bishops, even supposing them to have the power in convocation to try heresy, to the queen, and, consequently, that the solemn decision of the twenty-two bishops of Canterbury, in such a case, must be liable to the revision of laymen, or else of the four bishops of the province of York. But as to whether convocation had jurisdiction at all in matters of heresy, the judges were not agreed; four of them gave it as their solemn and *unqualified* opinion, that since the 25th Henry VIII, no such power was vested in convocation; while the remaining eight, with the attorney and solicitor-general, were of opinion that convocation might judge such cases, but *not finally*: they must consent to have their judgment examined, perhaps reversed, by such persons as the queen should think proper to delegate for that purpose. In thus differing, however, from their brethren, as to the powers of convocation, they did so hesitatingly; *reserving to themselves an entire power to alter their opinion, in case any new consideration should be suggested, to convince them of their mistake*. Her majesty was advised to adopt the opinion of the majority of her judges, and to authorize the convocation to proceed.

"Even here," says Burnet, "the difficulties did not cease. The question arose, of whom the court was to

be composed? whether only of the bishops, or what share the lower house had in this judiciary authority?" These perplexities determined their lordships to proceed, in the first instance with the condemnation of the book, as presenting fewest obstacles. Of the book, in consequence, they drew up, after grave and mature consideration, a solemn condemnation, which was sent down to the lower house, who concurred in the censure, so that the book was censured by the whole Church of England. The censure was utterly unavailing, by the constitution of the Church, without the ratification of her holiness on the throne. To the queen, therefore, the sentence was sent, for her sanction; the rest shall be told in Mr. Lathbury's words.—

"The judgment of the convocation was sent to her majesty, who promised to take it into consideration; but on the 12th of June the convocation closed, and no answer had been forwarded. When the convocation assembled in the ensuing winter, two bishops were deputed to wait upon the queen, for the purpose of obtaining her assent to the censure; but an excuse was made, that the documents could not be found. Other messengers were afterwards sent; but it was said that the queen could not remember to whom she had given the paper. Thus, under the shelter of the crown, Whiston escaped altogether. The book was condemned by the convocation, but the condemnation could not be carried into effect, because it was not confirmed by the crown. Burnet expresses his satisfaction that nothing was done; but, surely, to suffer the matter to be altogether laid aside, was not the way to support the Anglican Church or the cause of religion."

As I am mentioning what occurred in convocation, in the year 1711, I will just add, that in that year the

bishops in convocation drew up a declaration, to which, with the single dissentient of the bishop of Rochester, they agreed that lay baptism was valid. They then sent it down to the lower house for confirmation. How did the lower house treat their divinely-commissioned bishops on that occasion? With the utmost scorn! They would not so much as go through the form of taking it into consideration;\* and the consequence was, that the attempt to get it approved by convocation fell to the ground. The practice of the Church is against lay baptism, to the detriment of the dying soul, while the solemn declaration of the bishops in 1711, is in its favor, and consequently in favor of the propriety, or rather necessity, of conferring it in cases of danger. It is not, however, for the purpose of shewing up the rickety, disjointed inconsistency, combined with cruelty, of the Church, that I have introduced this subject, for I shall have another opportunity to do that, but to make you observe that the presbyters, that is, the lower house of convocation, were enabled to defeat the unanimous decision of the bishops.

Now, will the Oxford divines have the goodness to inform us, if the presbyters have a Divine right to thwart the bishops? If they have, how comes it that it is only in the Anglican Church they have it? Did the presbyters, when they thus opposed themselves to the bishops, believe that the bishops had a Divine right? And, when the lower house of convocation set itself in opposition to the upper, and thwarted and defeated all its measures for full twenty-seven years (from the year 1689 to 1717), was this scene of schism and rancour, and open hostility, of Divine right? Or did this Divine

\* Lath. 345.

right reside in the minister of the day, who was obliged to dissolve the disgraceful and jarring assembly, and send it packing about its business, never to meet again? "It is now called," says Burke, "for form only. It sits for the purpose of passing some polite ecclesiastical compliments to the king; and when that grace is said, retires and is heard of no more. It is, however, a part of the constitution, and may be called into act and energy whenever there is occasion, and whenever [he slily adds] those who conjure up that spirit will choose to abide the consequence." In the words of the satirist:—

"Poor convocation gapes: alas! it cannot speak."

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## LECTURE IV.

## THE CHURCH, AS AN EXECUTIVE, THE SLAVE OF THE STATE.

THE Church, then, may it please your Grace, is, in her legislative capacity, a slave. Should this designation sound too gratingly on the ears of some of the more orthodox adherents of the Establishment, they are quite at liberty to substitute for it the description furnished by their own redoubted champion—the notorious Henry of Exeter, who, in his last year's charge to his clergy, likens her condition to that of a “maniac in a straight waistcoat, who has arms, indeed, but is not allowed the use of them.” Her canons are but bye-laws, which yet she is not permitted to modify or rescind. Her real canons are the acts of a lay legislature; these she must bow to and obey, and can neither canvass their merits, rectify their defects, nor elude their operation.

Turn we, now, to consider the Church under a new aspect; namely, as an *Executive* Power, and enquire how far the administration of such laws as she is entrusted withal, is controlled by the provisions of the statute so often commemorated—the never-to-be-forgotten Act of Submission.

It is obvious that such a discussion will demand an enquiry into the nature, structure, and operation of the Church Courts; and, as the matter on which we thus propose to enter, is rather more ample than that which occupied us during our last reading, it will be desirable to distribute the observations, with which it is intended to trouble you, under some convenient heads or divisions; among which I find none more suited to the purpose,

than those suggested by the sequence of time. I, therefore, propose, with your permission, enquiring as briefly as possible into the past history, present condition, and future prospects of

#### THE CHURCH COURTS OF ENGLAND.

There is, indeed, one other division, which, in speaking of the Church as an *Executive*, will at once suggest itself to every mind; and that is—its bishops. These, however, I have forborne formally to announce, because the whole question of the Church's slavery or independence, regards them directly; and, because frequent occasion must arise for specific reference to their case, during the progress of this enquiry. I shall, therefore, content myself, on the present occasion, with barely observing, in respect to their appointment, that they are the truest of slaves—the merest of creatures; deriving their whole jurisdiction from the nomination of the crown; the *congé-d'élire* being a most unmeaning form, as seems to have been hitherto universally understood, and is, moreover, plain upon the face of the case.

Since, however, the new school of theology, delighting in paradoxes, has had the consistency to dispute this too, as well as so many other received truths, it becomes necessary to say a few words on the subject.

The English Church, it is said, has retained the form, and in this form the, at least, *radical* power to nominate her chief pastors. This, it is added, is no doubt in abeyance. But it is only a question of time and prudence, when she may resume the independent exercise of her right.\* Now this is all a fallacy. First, the words of the statute are quite clear, and demonstrate that the *congé-d'élire* conveys no true power of election.

\* See, for example, the *English Churchman*, No. 46.



They are these: "In virtue of which licence [meaning the *cong  -d'  lire*] the said Dean and Chapter shall, with all speed and celerity [which is understood to mean within twelve days from receipt of the Royal licence], in due form, elect and choose *the said person named* [in the King's letters missive, which are sent with the licence] to this dignity and office, *and no other.*" Secondly, in order to preclude the possibility of mistake, the law further provides, that should the said Dean and Chapter either neglect to elect within the prescribed period of twelve days, or presume to elect one not named by the Crown, the right of election devolves to the Crown, and the Dean and Chapter incur a pr  munire for their pains.\* Bishop Gibson's gloss upon this statute is: "This is *wholly new*; and the only choice the electors have, under this restraint, is, whether they will obey the King, or incur a pr  munire." Or, as Dr. Johnson has more facetiously expressed it, the Church has about the same choice in the election of her chief ministers, that a man flung out of a window has to choose a soft seat for himself, when he gets to the bottom. In fact, the *cong  -d'  lire* is but a toy flung by the State to the overgrown children of the cathedrals. Had it conveyed any substantial right or power, Queen Elizabeth and her ministers, who restored it to the Chapters, after it had been taken away by her brother Edward, would never have bestowed it on them. And this she took care to tell them pretty plainly in the preamble to her *Irish Act of Supremacy*,—an act, I may as well observe in passing, that was passed in a packed Parliament, just as the English Supremacy Act was before it. She was determined to have no *cong  -d'  lire* trifling in Ireland, but

\* 25 Henry VIII. c. 20.

to nominate her bishops directly and immediately herself, by *donative*, as it is called. And the reason which she assigns for superseding the *cong  -d'  lire* is what I now wish to call attention to. It is this: "That the said elections be in very deed no elections; but only by a writ of *cong  -d'  lire* have colours, shadows, and pretences of election, serving nevertheless to no purpose, and seeming also derogatory to the King's prerogative royal." This is the view of *cong  -d'  lire* elections which regulates the Irish Church to this day, and this Church is now identified with the Anglican. And this, moreover, is the view presented by the Crown of its own jurisdiction, in an Act (of Supremacy) which the Church has in a most solemn and emphatic manner adopted in her canons. What folly then in grave men trying to mystify themselves and others in so plain a case! No. The episcopal authority comes in the United Church of England and Ireland from but one source—the chance possessor of the throne. "How shall they preach unless they be sent?" And who sends them? It is Queen Elizabeth, or Queen Victoria, as the case may be. Behold then the spirit by which they are dignified! "*Haud, equidem, Spiritu Sancto,*" says an Oxford divine, though not of the Newman school; "and yet," he continues, "in the consecration of these *cong  -d'  lire* bishops, they are said to be called to this work by the Holy Ghost, and in their answer to the Archbishop they seem to affirm it of themselves!" Thus wrote Dr. William King, Principal of St. Mary's, Oxford, in the last century.\* What would be his amazement, were he allowed to revisit the scene, and see his *cong  -d'  lire* bishops transformed into successors of the Apostles!

\* Political and Literary Anecdotes.

As a consequence of their creation by the Crown, it is as certain as any fact in history, that the queen (Elizabeth) who made the Anglican hierarchy, looked upon them as her state servants; and that whenever the Commons, for instance, sought to interfere in their regulation, she resented the attempt, as men resent interference in the management of their household servants, telling the House that it was her prerogative to see that her bishops minded their business; "and if you do not look to it," she would add, turning to their lordships, "I mind to depose you."\* And depose she did; her primate, for instance, for daring to patronize certain Scriptural exercises in his clergy; and the bishop of London, for taking a wife.† The whole Church of England could not take off that suspension, but had recourse to the most abject and fulsome supplications, to move her majesty to release their archbishop from his censure. For that they call her "a goddess," "most holy," and "a virgin." And certainly if she was one, she was all. A more painful exemplification of the same truth is to be found in the case of the unfortunate Udal. He had the temerity to attack the bishops in a pamphlet, and was immediately arraigned as for a libel on the queen herself, which cost him his life, poor man! so identified, and as it were absorbed, into the existence of the lady, was that of her prelates. She treated these right reve-

\* D'Ewes' Journal, 328. D'Ewes calls this "a *pious* speech."

† The above was not the sole, nor, if we are to believe the queen's godson, Harington, the principal cause of poor Grindal's disgrace. He *would* prosecute a fellow with two wives, one of them another man's, though her majesty, persuaded by her favourite, Leicester, wished to protect him. It was, therefore, this "most holy virgin," (so the bishops called their head) would not take off the suspension, though all the prelates sued for it in most supplicatory tones. It seems to have shortened the poor man's days.

rend slaves in a corresponding temper, sometimes storming at them for their sermons, if the doctrine was not served up to suit the royal palate; at other times, threatening to dismiss them. "Proud prelate," she writes to Cox of Ely, upon his exhibiting some reluctance to make over the property of his see to her Popish gallant, Hatton, "You know what you were before *I made* you what you are. If you do not immediately comply with my request, by G—, I will unfrock you. ELIZABETH." He did comply; and Hatton Garden is a monument that he at least knew who *made* him, and could *unmake* him. The writer, however, in the *Tracts for the Times*, cries out, "Did the State make us? can it unmake us?" Why not? Did not Queen Elizabeth make bishops of Matthew Parker and his *confrères*, not only independently of all ecclesiastical authority, but in defiance of the express will of the Church, declared in the most ancient and venerable canon laws?—laws, moreover, adopted and confirmed by the English legislature?\* Did not she and her successors, down to William, the Dutch Calvinist, suspend and unmake bishops at their will? When Abbot, primate of England, fell from all episcopal and sacerdotal power, so that Laud and others would not take orders from him, what was the remedy sought and applied by the Church of England? The King was called on to take off the irregularity, which he did. Is it not an historical fact that Cranmer (who, be it remarked, wrote the preamble just quoted regarding the *congé-d'élire*) and his colleagues, taught that episcopacy was but a branch of the regal power, delegated to minis-

\* "I have always taken this objection on the part of the Church of Rome," says the learned Thorndike, "against the validity of our ordination, to have weight and difficulty in it."—*Just Weights and Measures*.

ters, like any other branch of the royal authority, and requiring no form of ordination for its exercise? Is not Cranmer a *martyr*, particularly at Oxford? Is it not certain that these doctrines continued to prevail in the English Church up to the period when Bancroft put out a feeler in favour of the Apostolical succession in his famous sermon; a sermon, therefore only, famous, because the first attempt at broaching such a doctrine? Is not Jewel acknowledged by the Puseyites (I mean no disrespect by the term) themselves, "to have laughed at the Apostolical succession, both in principle *and as a fact?*"\* Could he be a man of sense, and do otherwise, recollecting his own episcopal origin? But further, is he not an oracle in the English Church? Have not his works been clothed with symbolical authority? Do they not take their place beside the Thirty-nine Articles, and the Homelies? And this being so, can we do better than *laugh with him at the notion of Apostolical succession in such a Church as the Anglican?* But I dwell too long on a matter which, when I began, I intended to notice but incidentally. My object at present being to exhibit this Church plying the task-work flung her by her imperious mistress, the State, rather than putting on her chains. And this, or I am much mistaken, we shall see in the

#### PAST HISTORY OF THE ENGLISH CHURCH COURTS.

Among these, the first in rank, interest, and importance, is confessedly the *Court of High Commission for Ecclesiastical Causes*. This, accordingly, will claim our first attention. I have already intimated that I should

\* See Froude's Remains, p. 339.

conduct this enquiry with a view to ascertain how far these Church courts and their administration were affected by the provisions of the Act of Submission. It will scarce be considered a departure from that course, if in the first instance I should have occasion to call attention to another celebrated statute, the 1st Eliza., c. 1, better known as the *Act of Supremacy*; because, in point of fact, this statute did little more than revive the letter and the spirit of the previous one of *Submission*, which had been repealed in the reign of Queen Mary. You have not to derive your knowledge of this last named Act (of Submission) from the observations I have had occasion to offer from this place in the two previous lectures; otherwise you might be led to suppose that its disabling interference was altogether, or nearly altogether, with the Church's right to enact her own laws. Whereas, in truth, it went much further; pursuing the Church into her courts, assailing her as she sat on the judgment-seat, engaged in the dispensation of her laws for the good of her people, by asserting the right of the Sovereign to superintend her adjudications, and recal them, when he should please, before himself in Chancery, there to revise, and, if he should think proper, to reverse, them in the last resort. In short the Act of Submission was at the same time the *Statute of Appeals*. Thus, the law was the King's. Of an *ecclesiastical* he made it a *secular* code. The judges were his. He named them; bishops, officials, all as they were. The adjudications were his; for they subsisted but by his sufferance; and in the reign of young Edward, ran in his name.

The whole of this power was repealed and renounced by Mary as inconsistent with religion. It was re-asserted and re-enacted by her sister Elizabeth; and forms the staple of the Act of Supremacy, the first of



that Princess's reign; which as it was the immediate origin, and the legal authority for the High Commission Court, will now require a word or two of explanation at our hands.

It is said, and on what seems good authority, that the Parliament which passed this Act was packed by the Court. If so, the people may, perhaps, be entitled to an exemption from so much of the opprobrium attached to its enactment as that fact will cover; but, in any case, it is a reproach to the nation to have bowed to it for one hour.

It has ever been considered the inalienable right of the Church of Christ to guide the flock committed to her charge into secure and wholesome pastures; to tend them with a shepherd's solicitude; to watch over them as having to render an account for their souls before a higher tribunal than any this world can erect; to restrain and recal their wanderings; remove the sound from the unsound portion, lest the contamination spread; to exercise, in a word, towards them every pastoral function, and sway them with the fullest pastoral control. Yet by one of those daring violations of all principle which so often startle us in the perusal of the history of the so-called Reformation, a set of laymen, who contrived to find their way into Parliament, not through the door of the constitution, but after the manner of thieves, by scaling its walls and breaking through its fences, make it the first act of their ill-gotten power, to strip the Spouse of Jesus Christ of every particle of spiritual authority vested in her by her Divine Founder, and pour it all without reserve into the lap of a woman, to whom by the law of God it was not permitted to so much as open her lips in the Church; while by another clause in the same impious Act, they provide that this woman,

now the sole depositary of spiritual jurisdiction, might nominate whom and what sort she should please, to enforce ecclesiastical discipline in *her* behalf, and as *her* commissioners, without any other limit or exception than such as she might think proper to affix to their commission. It mattered little what their other qualifications; lay or clerical; commissioned by Heaven, and bearing in their ordination the seal of that commission; or deriving their authority solely from the good lady herself; it was all one. With the authority of the "virgin" daughter of the immaculate Anne Boleyn, they needed no higher sanction, and Heaven itself was relieved from the necessity of any further interference in the case.

"Our laws have provided," says the boasted light of the English church on this subject, "that the King's [or Queen's] supereminent authority and power shall serve; as, namely, when the whole ecclesiastical state, or the principal persons therein, do need visitation and reformation; when in any part of the Church errors, heresies, schisms, abuses, offences, contempts, enormities are grown, which men in their several jurisdictions do not or cannot help; whatsoever any spiritual authority, or power [such as legates from the see of Rome did sometimes exercise] for the remedy of those evils in lawful sort, [that is to say, without the violation of the law of God or nature in the deed done,] as much in every degree our laws have fully granted that the King for ever may do, not only by setting ecclesiastical synods on work, that the thing may be their act and the King their motion unto it, but by commissioners few or many, who having the King's letters patent, may in the virtue thereof execute the premises as agents in the right, not of their own peculiar and ordinary, but of his super-

eminent power." There is the description of the law and prerogative of supremacy as recognized by the English Church, and laid down and explained by the "judicious" Hooker. By which it appears that the Queen might at any given moment supersede the entire episcopal authority of the land, substitute for it her own ecclesiastical authority, and delegate these her super-episcopal powers to laymen, if she should please, to the entire exclusion of bishops. This, in point of fact, she did, immediately after being invested with this High Ecclesiastical Prerogative; namely, on the 24th of the first June of her reign, when she named a commission of laymen,\* any two of whom might form a quorum, and by their instrumentality superseded the ancient and venerated episcopacy of the realm, taking the reins of *ecclesiastical* government into her own masculine and impious hands.

"Virago

Aurigam—————

Excutit, et longè lapsum temone relinquit ;

Ipsa subit, manibus que undantes flectit habenas

Cuncta gerens."

From this it follows, that by the law of supremacy, as sanctioned by the Church of England, the bishops, when acting in their own ordinary and episcopal capacity, did so solely by sufferance on the part of the Crown; because the Queen could supersede their episcopal power by her commissioners whenever she should please. It also followed, that when the Queen condescended to nominate the bishops as her commissioners for ecclesiastical affairs, (an honour of which the pitiful creatures used to be

\* To be strictly correct, I should say that out of a commission of fourteen persons, there was just one ecclesiastic,—Edwin Sandys. *Even he was not yet a bishop.*

ambitious), they possessed, in that capacity, no more power than their lay associates, who were equally capable with themselves of being the recipients of this super-eminent ecclesiastical power, and were, in fact, named on every commission in greater number than the bishops. From all which it finally follows, that she was not only the supreme, but the sole pastor of the Church, *by right*; and that all others were pastors subordinate to her, not because they were clergymen or laymen, but because she named them to act as such; that is to say, they were pastors by her nomination and creation, and might be deprived of that character whenever she should please to recal their powers.

Will the Oxford Divines please to tell us if this be independence? Does it seem to them to harmonize very happily with their favourite notions of Episcopal Divine Right? We rather think they will hesitate to assert such a thing: *and yet the first act of Matthew Parker and his prelatie colleagues, upon assuming their office, was to set the seal of their solemn approbation to this law, and to the Queen's injunctions, which were its first-fruit, and most ample assertion. By the fifth of the Twelve Articles of Religion which they drew up in 1559, they exact from "all parsons, vicars, and curates," a solemn and repeated recognition of the said startling pretensions, under pain of being repulsed from their respective cures.* I refer to Burnett's *Reformation*, vol. ii., p. 810; or to Cardwell's *Documentary Annals*, vol. i., pp. 231, *et seq.*; or to Neal, Ap. 1; for the proof of what I here assert. Nor are we to suppose that it was only in this one isolated instance they thus acted. They allowed no occasion to escape, during the lady's prolonged reign, of exhibiting their zeal on behalf of this her super-episcopal claim. Yet all this while,

Matthew Parker himself could not digest the monstrous pretension. Of this he has left a monument in a letter directed to Cecil, on the 11th of April 1575, preserved to us by Strype, in which he does not blush to make use of these words: "Whatsoever the [Queen's] ecclesiastical prerogative is, I fear it is not so great as your pen hath given it *in the injunctions*."\* What must be thought of an assumption so irreconcilable even with the blunted feelings of men like this: men, who could enforce what they disapproved, and disapprove what they could consent to profit by? But the Church of England has taken that assumption to her bosom in every shape, and upon every opportunity, in season and out of season; and it is not now permissible in her, or any portion of her clergy, to retreat from these her most solemn and authentic acts.

It will be instructive to observe the arts which were put in requisition in order to secure the transmission of this memorable statute of supremacy through the Houses of Parliament. One of these—the packing of the lower House—I have already alluded to. The rest were of a piece with this, and equally worthy of the cause in which they were employed. They were those of fraud, dissimulation, and violence.

To seize upon the spiritual authority of the national Church, and concentrate its power in the person of the Queen, was an enterprize obviously of some delicacy and danger. It was, therefore, thought necessary to prepare it, as it were, at a distance, and carry it forward with the stealthy pace of caution and wariness; and never, certainly, was there a nature so formed for the wiles of a tortuous policy as her's, who now prepared to place upon her brow the tiara of the national religion.

\* Ann. i. p. 235. Oxford.

She swore to her dying sister she was "a true Roman Catholic;" repeated the same asseveration to the Spanish ambassador; yet scarcely were the eyes of that sister closed in death, when she summoned to her councils a man of congenial habits and feelings with her own; one who, like herself, had been a dissembler in religion during the last reign, and, with his assistance, and under his guidance, concerted "a device," which exhausted all the resources of dishonesty and state-craft for the purpose of achieving the meditated change.\*

\* This "device for alteration of religion" was drawn up and presented in the *first* days of December. On the 13th, White of Winchester was ordered to be confined to his house for speaking disparagingly of the Reformers and the late innovations. On the 25th, Oglethorpe, bishop of Carlisle, was ordered not to elevate the host in the royal presence; and when he intimated his inability to obey, the queen and court rose at the offertory, and left the chapel. On the 30th, her majesty ordered by proclamation that no alteration should take place in religion, "*until* consultation might be had in parliament by her majesty and the three estates of the realm." Early in January the great seal was taken from Archbishop Heath, and given to Sir Nicholas Bacon, an open favorer of the new creed. All which made it so clear that her majesty intended to substitute the Reformed for the Catholic worship, that the bishops with one accord refused to crown her on the 14th of January. Now the late Mr. Howard of Corby has discovered in the State Paper Office a dispatch from Carne, the ambassador at Rome, of the 31st of December, showing that up to that date he had no official communication from England, not even to intimate the death of queen Mary. Consequently, the story so long current, that Carne had been accredited to the Papal court, and instructed to request the Pontiff's friendly offices, could not be at this date true; nor, consequently again, the haughty and irritating reply of his holiness (Pope Paul IV) that Elizabeth was illegitimate, and must submit her claims to him,—a reply that, as has been said, decided the queen to declare for the Reformed religion,—could not have been given. Should we even suppose that Carne was accredited, and received the offensive answer in question, early in the next month (January 1559), the intelligence, which would take a month in reaching England, would arrive there too late to affect proceedings already



One of the recommendations, in the paper alluded to, was, a hypocritical conformity for a time on the part of the sovereign herself. Accordingly she masked her designs under the most solemn forms of a religion which she had already doomed in her own breast. She carried matters so far as to communicate according to the ancient ritual. Though predetermined to sacrifice the Church, she did not hesitate on the day of her coronation to put her hand to the holy Evangelists, and, in the face of heaven and her people, to swear that she would "maintain the laws, honours, peace, and privileges of that Church, as in the time or graunt of King Edward the Confessor."\* Consistent in her falsehood to the last, she opened her first Parliament with a high-mass, and when she had risen from that most sacred act of

decided on and in progress. But there is a second dispatch, or rather letter, from Carne, of the date of Feb. 16th, 1559, in which he distinctly states that neither he nor any one else was as yet accredited at Rome from Elizabeth, and that the cardinals were waiting anxiously for some such agent, in order to send a nuncio to London. Consequently, again, the story could not be true on the 16th of February. The same letter declares that "the French can do nothing with his holiness against Elizabeth or her realms, his holiness hath such *respect* for Elizabeth." Yet, if we are to believe the old calumny, it was in compliance with French suggestion that the insulting reply of the Pontiff was given. At this time the bills for change of religion were before Parliament. These state papers may be seen in Tierney's *Dodd*, advertisement to vol. iv. It is painful to find a writer in the *Dublin Review* (article, "Is Ranke an Historian?" p. 368) compelling a cloud of learned dust, in order to obscure the reputation of one of the most respectable pontiffs of his religion, and sustain the credit of a refuted calumny. That writer says, the reason for disputing the story is, "that no dispatch is found in the *Foreign Office*, London." Can he have read the passages to which he professes to reply? The same writer says, in the same note, that Sarpi was the copier of Pallavicini! The one is just as true as the other.

\* Allen, quoted by Tierney, *Dodd*, ii. 125.

worship, immediately turned round, and called upon the assembled Parliament to proceed at once to the expulsion of the same mass out of the land, by means of pains and penalties. Well might the words of the prophet be applied to her and her minions, as they bowed that day in hypocritical reverence before the altar, so soon to reek with the blood of its consecrated priests:—"O God ! They have defiled the dwelling-place of thy name on the earth. They said in their hearts, the whole kindred of them together, let us abolish the festive days of God from the land."

Hearts so false could not fail to leave the stain of their falsehood on the parchment which recorded their first legislative sacrilege. They professed in the preamble to but reannex to the Crown the ancient jurisdiction that of right belonged to it. Wretched and flagrant untruth ! made important only by the courtly decision of the judges in Cawdrey's case, and by the profitless expenditure of learning on the part of Coke in trying to lend it plausibility ; an attempt, the success of which Bishops Stillingfleet and Gibson have, very unnecessarily you will think, taken the trouble to dispute.\*

But a still more unblushing falsehood of this reforming statute is, that it was enacted at the *beseeking* of the lords, "spiritual" as well as temporal, of the upper House ; whereas, it is notorious that every prelate in the House gave it his most vigorous and unceasing opposition—an opposition, indeed, at one time so vigorous and effective, as to force the Court for a moment to pause and deliberate whether it should persevere in its purpose of carrying the measure through ; and when, at length, it determined on doing so, reduced it to recur

\* Stillingfleet, Eccles. Cases, part ii. p. 67, &c. Gibson's Codex.

to another of its characteristic schemes of violence and trickery.

The new *device* was this:—To suspend the sittings of Parliament; order a public disputation between the bishops, aided by a few dignitaries on the one hand, and an equal number of the reformed clergy, lately called home, on the other; the topics, order, and president of the conference to be prescribed by the court. It is needless to say that these were so arranged as to throw the preponderance of advantage into the scales of the Reformers; and lest they should, by possibility, miscarry, they were entrusted to the management of Sir William Bacon, Cecil's brother-in-law, who presided on the occasion, and was, moreover, wholly in the interest of the court and the Protestant party. When the Catholics saw the foul play that was attempted, and, particularly, that they were to be debarred from the right of reply, which was reserved in every instance for the Reformers, they naturally refused to proceed. It was precisely what their enemies looked for. They were dismissed with this significant intimation from Bacon, that "as they would not let him hear them, they should shortly hear from him."\* He was as good as his word. Two of them, the Bishops of Lincoln and Winchester, were committed to the Tower the same day; while the rest, who were also placed under restraint, were obliged to appear personally from day to day before the council, to await the sentence of the crown in punishment of their disobedience. When the prelates were thus overawed and coerced, it was thought that the two bills of Supremacy and Common Prayer might be safely resumed. They were so. They were again introduced:

\* Strype, *Annals*, i.

again encountered a vigorous, though unavailing, opposition from every spiritual member in the House, and finally passed; in the instance of the Book of Common Prayer, it is said, by so small a majority as three. Finally, that nothing might be wanting to the completeness of the scene, it was appropriately closed by a set speech from the throne, in which her Majesty, looking her Parliament and people straight in the face, descanted on the perfect freedom of speech and exemption from coercion which marked the session which had just terminated !\* In the annals of intrepid assertion I know no parallel for this, save where the same royal lady *swore* to the courts and the nations of Europe that she did not authorize, and did not desire, the death of her victim, the hapless Mary.

The opposition of the Church was by no means confined to these efforts in Parliament. Convocation, (without whose assent this very statute of Supremacy enacts that a Parliamentary declaration of heresy is of no value), pronounced loudly and emphatically against the proposed change. In like manner did the Universities. All, in short, in the Church, that were respectable for rank, learning, or virtue, resisted the innovations to the last, preferring poverty, captivity, and exile, to contamination with the new creed. Among the dignified clergy, history, I believe, does not record, at least I fail to recal, one who acquiesced in the revolution, with the exception of Kitchen of Landaff, whom Camden has transmitted to posterity as "the calamity" of his see. I do not mention Wotton, because, though Mr. Tierney names him among the Catholics at the beginning of this

\* See it in D'Ewes, 32. It was pronounced by Lord Keeper Bacon, her majesty presiding.

reign, he was more truly of no religion, being alternately Catholic and Protestant, Dean of Canterbury and York, as his masters would have him, for a quarter of a century.\* In one college of Oxford (New College) alone, no less than twenty-three fellows refused to conform; while of the University at large, Jewel, writing to Bullinger on the 22nd of May—that is, shortly after Parliament was dissolved—says, deplorably, “there are not two in Oxford of our sentiments, and these are so broken and abject as to be capable of nothing.†

The desolation, indeed, which came upon this seat of learning, in consequence of the irreconcilable repugnance of its inmates to the mockery of religion which was now sought to be forced on them, is attested by writers of all parties. Wood tells us, there were not three, certainly not four, in the University, after the expulsion of the Catholics, who could preach a tolerable sermon. The authorities were reduced to commission laymen to preach, in defect of qualified clergymen. The Oxford historian has preserved a specimen, which you have likely been amused with, in the pages of the new edition of Dodd. It is from no less a personage than Richard Taverner, whose “*Postils on the Epistles and Gospels*” have, I perceive, lately come forth from the Oxford press, under the editorial care of Dr. Cardwell, who, in his introductory notice, claims for them something like symbolical authority; indeed, if I recollect rightly, for the work is not now before me, altogether so. It will not then be quite uninteresting if I here recite a passage preserved by Wood,‡ from a sermon delivered at Oxford by this oracle of orthodoxy, from the

\* Le Neve, *Fasti*.

† Burnet's *Reformation*, Oxford, 1829, iii. part ii.

‡ *Athenæ*, 2nd part, p. 144, London, 1691.

now celebrated pulpit of St. Mary's: "Arriving at the Mount of St. Mary's, in the stony stage [the pulpit was of stone] where I now stand, I have brought you some biscuits, baked in the oven of charity, carefully conserved for the chickens of the Church, the sparrows of the spirit, and the sweet swallows of salvation." These sweet swallows, how could they doubt, with such nervous and convincing eloquence to persuade them, that they were right in rejecting the religion of sixteen centuries, for the biscuits of a godly reformation? Edward, the chief chicken, and head of all the chickens, seems to have been so taken with these godly *bonbons*, that he gave the said Richard a special license to preach all over the country, "at a time," says Wood, "when the King's chaplains were appointed to ride circuit about the kingdom to preach to the people, *especially against Popery*."

Think of an itinerant lay preacher—an apostolic knight-errant—coming into a town, and mounting the pulpit in a green velvet cap, a gold chain round his neck, and a sword by his side, giving forth some such sentence as the above.\* Who can wonder that Popery should fall before him? or that grateful Oxford, in the spirit of a true *alma mater*, should try to rescue from unmerited oblivion the productions of her brightest son—the renowned Richard Taverner?

I trust, my Lord, you will not conceive me to be trespassing too much upon your indulgence, by dwelling at such length upon the subject of the royal supremacy, and the history of its introduction into the national creed. My apology is, its intimate connexion with the High Commission Court which I have undertaken to

\* It was the costume in which he delivered the sermon quoted from by Wood.



speak of. For that court is but the supremacy in action, and consequently whatever enables us to appreciate the one will throw back its light steadily upon the other. But, independently of this, the very great importance of the supremacy tenet in the system of Anglicanism, would, I own, make me regret to be obliged to suppress the observations with which I have troubled you, and shall, if you allow me, continue to trouble you to the close of my present reading.

It is acknowledged by those with whom we have here principally to do,—I mean the new theology school of Oxford,—and is otherwise in itself most certain, that not only was the English Reformation established on the basis of the royal supremacy, but that of all the points which divide and keep asunder the two Churches, it alone was insisted upon, at the commencement, as essential. It is not that the zealots of the Reformation attached no importance to any other of their novel doctrines, but that the change of religion which goes by that name (of Reformation) was, in these countries, the work exclusively of the state ; and that the state, when it had achieved its own aggrandizement, recked little either of the dogmas of faith, or the disputes of theologians. This is true even of the mass, which was now, after having been the religion of the country for a thousand years, proscribed—simultaneously the supremacy was enacted by Parliament. Queen Elizabeth, in a conversation with the Spanish ambassador, declared that she saw little or nothing to find fault with in that great act of worship. If, therefore, she now decided on making it an object of direst persecution, we may safely infer that it was not because of anything peculiarly heinous in itself, but because it was assumed to be the badge and test of op-

position to claims which she was determined never to forego, but to maintain at all hazards. "*L'état c'est moi*," was the saying of a proud son of St. Louis: "*L'église c'est moi*," was the still prouder and more insane thought of his English sister. And whoever bowed before this shrine, and cast his censer to this idol, though he should be a Papist like Hatton, or a Puritan like Knollys, was absolved from all further imputation on the score of religion, and stood purged—a blameless and an acceptable worshipper. If, then, I shall pursue, during what remains of the present lecture, the history of this important doctrine of supremacy, and describe something of the circumstances through which it worked its way to final establishment in this reign, I trust I shall not be thought fruitlessly to occupy your time, or deviate widely from the matter I have undertaken to treat;—that matter is the High Commission Court, and the High Commission is, as I have observed, but the supremacy in full and perfect play.

Having, then, described the reception, or rather rejection, this leading tenet of Anglicanism met with at the hands of the Church and of the Universities, I wish now to concentrate attention on the contempt and abhorrence in which this newly-established religion was held by every man of the least cultivation of mind, or elevation of character. And this fact cannot be more unequivocally evidenced than by this other, that the Elizabethan prelates were reduced to ordain mechanics, unimbued with a tincture of learning, sacred or profane, in defect of any more respectable candidates to supply the vacancies caused by the removal of the old clergy. This was a source of considerable perplexity and embarrassment to the new archbishop, Parker, for it naturally drew derision and contempt on that novel system, at the

head of which he allowed himself to be placed. Accordingly we find him trying to get rid of it in the second year of his incumbency, after having sanctioned it in his first; and then again, in the third year, obliged to steer a middle course, by leaving it to the discretion of the ordinaries of both provinces, whether “abstinence of mechanical sciences should be enjoined as well to *ministers* as to readers.”\* I have in this latter sentence purposely quoted the very words of the document I rely on; because this important fact has, I think, been rather understated by a writer of great weight and authority; I mean Doctor Lingard. At page 265 of his seventh volume, and last edition, he says, “it became necessary to establish for the moment a class of lay instructors, consisting of mechanics, licensed to read the service to the people in the church, but forbidden to administer the sacrament.” Now this is certainly in all its parts an understatement. First: It was not “for the moment” that these mechanics were put in requisition; they continued to be admitted into the new ministry, and in no small numbers, to an advanced period in this reign. This I shall shew by and bye. Next they were not mere “lay” instructors; some, at least, were ordained; as Strype himself, the authority referred to, expressly asserts, and as the contrasted words quoted above, “*ministers* as well as *readers*,” shew. The readers it was who were laymen. And, thirdly, these laymen were not, all of them at least, “forbidden to administer the sacrament; for Strype, in one of the passages referred to by Doctor Lingard,† testifies that many of the *laity* were tolerated by letters from the *bishops* to read the service, and act, some in the capacity

\* Cardwell's Doc. Annals, No. LXVI.

† Strype, Ann. i. 137.

*of deacons*, others as *helpers to the ministers in the word and sacraments*; and these are termed in the margin "lay readers." So that, on the whole, it appears the true statement, that some of these illiterate mechanics were admitted to "inferior orders," and in the progress of time at least, if not in the beginning, as is most likely, to higher orders; while others, still remaining mere lay-men, were tolerated to administer the sacraments, as "*deacons and helpers to the ministers*;" and, finally, that the mechanics' workshops continued to furnish recruits to the new ministry down to a very advanced period of this reign. This last, as I promised, I shall shew further on. Undoubtedly the old annalist elsewhere asserts, that these men were "*ordained only to read the service of the homilies*;" and it is on this passage I should suppose that Doctor Lingard relies for his report of the case. But the word "*only*" must be understood to have been adopted for the purpose of excluding, not their administration of the sacraments, to which Strype *expressly says they were admitted*; but the function of preaching, which was laid great stress on by the puritans, and for which they were obviously unfitted by their ignorance. At least this interpretation is necessary to reconcile the annalist either with himself or with the facts.

These facts depose to the utter degradation of the new priesthood (if we may dignify the intruders with that august title), whether we regard them in their social, their intellectual, or their moral capacity. Recruited from the workshops and stables, their learning was as low as their previous avocations, and their morality lower than either. Neal assures us that the mass of the members of Convocation, to whom the Established Church is indebted for its thirty-nine articles, scarcely

knew how to append their names to this solemn profession of the faith they would impose on the nation. Certain it is that the Speaker of the House of Commons averred in the year after (1563) *that the Universities were decayed, and the great market towns without either school or preacher, while immorality was stalking over the land.\** In all Bangor, according to the testimony of its bishop, there were but two ministers capable of addressing their flocks.† In 1565, the difficulty of finding a man in the Reformed Church capable of preaching, was such, that they failed of procuring a preacher for the Queen.‡ In fine, the second book of homilies, the result at once and monument of this state of things, attests the dense clerical ignorance which rocked the cradle of the English Reformation.

Nor does time, that great rectifier of disorders, seem to have been able to make impression upon these scandals. In 1574, Parker, in consequence of a "scarcity of preachers," writes a private letter to Burghley, in which he says: "Take away a few of the clergy, namely, those which were specially appointed to preach before her highness, and I take the rest to be but a simple sort."§ Some years after, Sandys, in a sermon before the Queen, declared that, "many hear not a sermon in seven years; I might safely say, in seventeen: their blood will be required at somebody's hands."|| In 1579, and long before, the large and populous town of Northampton cried out in vain for some one to instruct them in religion. The bishop had no one, capable of the task, to send them. In the entire county of Cornwall, there was

\* Collier, ii. 480.

† Neal, i. 109, Lond. 1837.

‡ Strype, Parker, i. 401; Oxford. 201; London.

§ Ibid. ii. 226.

|| Annals, iii. part ii. 69.



but one minister who could address his people; while the unfortunate people themselves set forth in their supplication, preserved by Neal,\* “that they have one hundred and sixty churches, the greatest part of which are supplied by men who are guilty of the grossest sins; some ———.” But let me spare you and myself the disgusting detail. Suffice it to say, that some of these *reformed* clerical delinquents, and not apparently the worst of them, bore on their hands the felons’ mark. Great God! what hands to break to an unhappy people the Bread of Life! And what an unfortunate people, not to see in these same marks, less the brand of man’s reprobation, than of God’s visible judgment on the entire system! For, that the crimes here imputed were neither rare nor unfounded, seems evident, from the circumstance that they form a standing item of enquiry in the episcopal visitations of the age. But these we cannot stop to notice at any length. Let us then select some prominent period: such, for instance, as 1584, celebrated as “the woful year of subscription.”†

In that year, a remarkable State paper, known as the Sixteen-Article Petition, was sent up from the Commons of England to the Lords. It had reference to the state of the Church; and the bishops were obliged to answer it. In that answer they are forced to confess, that, “although there are divers that can preach, etc., *yet they have no substance of learning in them, neither are they able to stand with the adversary, either in pulpit or disputation.*”‡ There is what the Protestant bishops

\* Vol. i. 240.

† So called from its being the year in which the clergy were first obliged to subscribe sincerely and *ex animo* to the three articles of the Queen’s Supremacy, the Thirty-nine Articles of Religion, and the Book of Common Prayer. The text shows the value of the subscriptions.

‡ Strype, Annals, iii. part ii. 304, Oxford.



of England put from under their hands respecting the *élite* of their clergy, twenty-five years after the advent of the Reformation. I hope after that we shall not hear it said, at least so frequently as we used, that the Reformation (!) was the triumph of the reason and enlightenment of the sixteenth century over Popery and superstition, and I know not how much more beside. No; it was the triumph of the rack and the —; but let us eschew all unpleasant topics, and leave the world to its own reflexions.

The next year we find the same bishops doing as they should do under the circumstances,—prescribing tasks to their clergy as to striplings, but tasks which a boy of ordinary abilities would be tempted now-a-days to resent as an imputation on his talents. The task was this: the contents of one chapter out of the Old and New Testaments to be accounted for *in the week*; and one common-place of divinity to be written within the quarter year; in “Latten,” if they could; in English if they could not in Latin. Yet these tasks were too difficult for the spiritual guides of the people; and in the next year, 1586, had to be replaced, says the annalist, by exercises “less laborious!”\* I hope, again, it will not be said that the Reformation in this country was the result—the “happy” result—of the profound study and knowledge of the word of God.

The nonconformist ministers, then, had reason when they this year assert in their petition to Parliament, that “whereas the sacred Scriptures say, that ministers of the Gospel should be such as are able to teach some doctrine and convince gainsayers, yet the bishops have made *priests*† of the basest of the people, not only for

\* Doc. ci. Cardwell's Collection, and note.

† This is decisive of the question, whether mechanics continued to

their occupation and trades, whence they have taken them, as shoemakers, barbers, tailors, water-bearers, shepherds, and horsekeepers; but also for their want of good learning and *honesty*." "How true," they add, "this our complaint is, may appear by the survey of some shires and counties hereunto annexed, even some of the best, whereby the rest may be estimated."\* The surveys here spoken of were countersigned and authenticated by municipal and other authorities; while the allegations of the petition receive an ample and undesigned corroboration, as to their most important averment, that of the "want of honesty" in the ministers, from a circular of the metropolitan, written to the bishops *two months before*, at the instance of the Queen, who is described as complaining of "*the little or no redress at all concerning the admittance of unmeet men into the ministry, and suffering such as are dissolute in life to remain therein.*"†

Thus were the sanctuaries of the living God invaded by a horde of irreverent and illiterate intruders, as graceless in their lives as they were gross in intellect; while the ancient and venerable hierarchy of the country were ignominiously driven forth from the flocks they loved, and the temples where they had grown grey, to pine in exile and in prison over the desolation they had vainly tried to stay, and could only live to deplore. And why? Because their conscience forbade them to swear to the existence of a right of which history records no previous example, and against which nature itself seems to revolt,—the right of a woman to sway the

be admitted into the ministry for more than "the moment" assigned by Dr. Lingard, and were "lay instructors" or priests.

\* Neal, i. 308.

† Doc. ciii. Cardwell's Coll.

Church of Jesus Christ ! a right to which that woman could prefer no better title, than that it was conferred by a set of laymen, whose power to bestow was as slender and as questionable as her own to receive : a right, the bare idea of which was enough to astound and disgust her fellow-religionists on the continent. “Feminio fastu, et a seculis inaudito!” exclaimed the indignant Chemnitz, as he received and transmitted the interesting intelligence, that the Reformation had crowned all its other wonders by bringing forth to the world a lady-Pope.\*

Yet let us do the degraded clergy of the Reformation period every justice. The religious settlement of 1559, was not their work, but the state's. They acquiesced reluctantly in it, because they profited by it. I do not pause to demonstrate this, which, however, defies contradiction, because it would lead me too far, nor is it necessary.† One thing is supereminently certain, and it suffices—that if authoritative decisions in matters of religion, can derive weight from learning, character, unanimity, and sacrifice, never was innovation more signally condemned by a national Church, than was the Reformation established in England under the calamitous reign of its foundress Elizabeth. None but the most degraded lent it their support, What, then, had it in its favour? Nothing but the violence and dogged determination of a tyrannical court, aided by a Parliament at once servile, fanatical, and ferocious. It was Might against Right. *The Law of the Fist*,‡ to borrow the energetic language of our German neighbours, against the Law of Reason, Religion, Order, and Decency.

\* Calvin, too, thought the supremacy of any prince no better than blasphemy. It is an English article of faith.

† Guest's Letter proves, and Dr. Cardwell confesses this.

‡ Faust-recht.

Beggary, perpetual incarceration, and the most cruel of deaths—the death of a traitor—was the triple circumvallation with which they sought to protect—how else could they protect?—this bantling of their care. Every functionary in the country, from the Archbishop of Canterbury to the beadle, and from the Lord High Chancellor to the parish constable, was obliged to take his Maker to witness that the plenitude of episcopal power, thus vested in her majesty, was no more than her birth-right,—or be degraded from his position, and sacrifice the means and the prospects of his family. Nay, every orphan, as he came of age, was reduced to take the same objectionable oath, ere he could enter on possession of his patrimony; that is, he must either renounce the faith or the inheritance of his fathers. As for the profession of his fathers' creed, a first act of this kind stripped him of all his property, real and personal; a second doomed him to a dungeon for life; and a third could be expiated only by his death as a traitor. Such were the sanctions of this law of supremacy in 1559. In three years after, they were considerably aggravated.

Now I appeal to every man of candour and consistency in the new school—I might say, in any school—specially do I appeal to Mr. Newman, to tell us if this be consistent with the character of the kingdom of Christ? If it be not, on the contrary, the character of the kingdoms of this world, as drawn by himself? “Earthly kingdoms,” he eloquently, and not more eloquently than truly, tells us, in his last volume of sermons, “are founded, not in justice, but in injustice. They are created by the sword, by robbery, cruelty, perjury, craft, and fraud. There never was a kingdom *except Christ's*, which was not conceived and born, nurtured and educated, in sin. There never was a state

but was committed to acts and maxims which it is its crime to maintain, and its ruin to abandon. What monarchy is there but began in invasion or usurpation? What revolution has been effected without self-will, violence, or hypocrisy?"\* Is, I would ask the reverend preacher, the religious revolution of the sixteenth century exempt from one of these charges? Are not many of them preferred against it by either himself or his fellow-contributors to the *Tracts*? Was it not an unprincipled *invasion* of vested rights?—a sacrilegious *usurpation* of the holiest functions? It was not ten bishoprics merely which were swept away, while the spiritualities of the suppressed sees were handed over to the custody of the residuary prelates. It was the entire episcopacy of the nation which was rudely and impiously struck down by the profane hands of lawless and tyrannical violence. It would be insulting to the Oxford divines to ask them, do they approve these things. But if not, then how vindicate themselves, and the Church they belong to, from the enormous guilt of schism? And to aid them in elaborating their reply, I will terminate by recalling to their notice the observations of a man with whom Dr. Pusey at least will sympathize; one who, like himself, a professor of Oxford in his day, and, what is better, a man of undoubted learning and principle, preferred the forfeiture of his chair in the university to subscribing the "sin" and "rebellion" of 1688. Need I say that I speak of Dr. Dodwell? This upright and learned divine, speaking of the "schism" of 1688-9, thus expresses himself:

"A decree was made by a senate of laymen, that the bishops who refused to take the new oaths should be

\* Sermons on Subjects of the Day. Serm. xvii.

ejected out of their places. The time for taking them being expired, and these fathers refusing them, they are deprived of their palaces, revenues,—in short, of all the rights annexed to their episcopal office. Hitherto we complained not. Let the secular hand reassume, if it pleases, what it has bestowed on the Church. This may hurt the temporal estates of the bishops, but can never affect the consciences of subjects; for Christ has laid no obligation upon us to assert the legal rights of bishops, in opposition to the magistrate; but certainly he has obliged us to assert those rights which he himself bestowed upon the Church, in order to preserve it under persecution, and which no earthly power ever gave, or was able to give. And yet the violence of our adversaries proceeded so far! Our reverend fathers were driven at last from the very cure of souls; altars opposite to theirs erected, and bishops, of an adverse party, thrust into their places. Though they were alive, their seats were filled, and filled by colleagues, before they were vacant, before their predecessors were deprived of episcopal power by bishops who had authority to do it. Upon this account we looked upon the obedience we owed them to be still valid, nor could we transfer it to their successors, who had departed from Catholic unity, from Christ himself, and all his benefits, according to the doctrine of St. Cyprian's age."

The perfect applicability of these words to the overthrow of religion in 1559, must strike the dullest. We leave them to be pondered by Dr. Pusey and his friends; and thanking you, my lord and gentlemen, for your kind and obliging attention, respectfully take leave, hoping shortly to meet you again in unimpaired health and spirits.

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## LECTURE V.

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 ANGLICAN CHURCH COURTS.

## THE COURT OF HIGH COMMISSION.

MY LORD AND GENTLEMEN,

In the prosecution of the task I have assigned myself, it now devolves on me to enter at once upon the consideration of the Church Courts of England; and first, and before all, of the *Court of High Commission for Ecclesiastical Affairs*.

This court was the first-born of the Act of Supremacy, in which every lineament of the parent was reflected and improved—*Matre pulchrá filia pulchrior*. It was, therefore, that in the last reading I had the honour to submit to you, I dwelt at so great length upon the nature of that act, the history of its passage through the houses of Parliament, and its reception by the nation at large, as well as by the clerical body in particular. Because that statute was, in truth, but the germ of the High Commission Court; while the High Commission Court was, in its turn, but the development and practical accomplishment of the act of supremacy. They stand to each other in the relation, not merely of cause and effect, but of text and commentary. To understand the one, you must read it by the light of the other. In the Act we discover the naked principle which guides and governs the Court. In the working out of the court, we behold that principle substantiated and made palpable in all its odious details. Having, then, in our last, surveyed and examined the idol, I now propose

that we should enter the temple, there to contemplate the worship.

It has been already observed, that after enacting that the Queen possessed, as of right, the plenitude of ecclesiastical power, to reform and correct *all* manner of abuses, from heresy and schism downwards, by *all* manner of means, spiritual censures or otherwise, over *all* manner of persons, lay or ecclesiastical, high or low, in the aggregate or individually, the statute went on to enact that she might nominate whom and as many as she should please, and from whatever rank or profession, without reference to their being in orders or not, provided only they were natural-born subjects, to carry this her newly acquired spiritual power into execution. This was, in one point of view, the only tribute to decency in the entire transaction. It was a tacit acknowledgment that the right of a woman to govern God's Church was too gross for even the loosest notions of propriety, and must be masked by vicarious agency. No sooner, however, did the plastic hand of the State put, by this act, the last finish to its work in setting a royal head on the shoulders of its creature the Church, than forth there issued from that head, like Minerva from the head of Jupiter, a High Commission, armed to the teeth, and eager for the strife. Would that the parallel were not true to the close, and that we had not to add, that the weapons of its warfare, like those of its *equally divine* prototype, were those of the flesh rather than of the spirit. Of this, however, hereafter.

The law passed in May; and on the twenty-fourth of the next month—the memorable day on which the clean oblation, foretold by Malachi, was hooted out of the land, which it had sanctified for a thousand years—the Queen named fourteen persons, of whom was never a clergy-

man but one, and he was but an inferior minister, and of these she *authorized* any two, in her name and by virtue of her commission, to suspend or confirm all clergymen, silence and appoint all preachers, convene and dismiss all synods, coerce all delinquents, as well by ecclesiastical censures as by all other due and lawful means; to invade, in a word, the sanctuary of the living God, upturn its internal order, usurp its authority; and if the bishops, the consecrated guardians of its rights and sanctity, should resist,---or, not resisting, should even decline swearing that they believed the monstrous assumption to be a rightful power,---then were these two laymen to proceed, in the name and on the behalf of their mistress, to suspend and deprive these bishops by even Church censures, and with them every priest who should dare to observe the oath of his ordination and stand by his prelate in his hour of trial!

I need not say that these venerable pastors refused to bend the knee to Baal. They preferred to be torn, in the hands of the ruffianly ministers of vengeance, from the altars under the shadow of which they had hoped to repose in their old age, to prison and to exile. But the new bishops had no such scruples. They fell down, and adored the abomination of desolation that stood in the holy place. In plain terms; they acknowledged the justice and righteousness of this proceeding; and by that alone they confessed the *right* of the state to put a term to their own existence, as a Church, whenever it should please it so to do. For if a Church of a thousand years standing might be unceremoniously dismissed by the state, what plea can a Church of a couple or three centuries put in to arrest the decree of its own dissolution, whenever it may please its creator, the state, to issue the terrible mandate? Either the original

act, which superseded the predecessor Church, was just and right, or it was not; if just and right three hundred years ago, it will be equally just and right tomorrow: but if neither just nor right, then is the Church of England an usurpation and a schism, which no time can rectify, and the sooner it is got rid of the better. Is Mr. Newman, or his coadjutor in the *Tracts for the Times*, who put the leading question, "Can the State make us? can it unmake us?" now answered? Say, rather, did not the State make you? And did it not profess to unmake those whose place you have usurped? And is it not on the strength of its ability so to make you that you have come in, and stand where you now are? Fools! then, why will you stir muddy waters? Why awaken attention to this crying defect—this plague-spot in your origin, which, sown at your birth, has eaten like a gangrene into your vitals, and after causing the destruction, as we shall see, of your institutions one by one, bids fair at no distant day to put a term to the existence of the Church itself, and send her to where all heresies have gone before her. This much, in any case, is certain: your Church subsists precariously by the sufferance of the state. This was the law which presided over her birth. This is the law that will one day consign her to the tomb.

Of this there seems to be some lurking apprehension in the breasts of that Church's zealots. "This," says Burnet, speaking of the commission just described, "was the first High Commission Court." But in his "Additions and Corrections," he appends a line to state, that this was not a *High Commission*—because, he says, it was issued by parliamentary, and not royal authority. A strange but untrue reason; since this commission issued upon no other authority than that which sanc-

tioned all the rest; namely, the authority of the crown. vested in it by Parliament. Dr. Cardwell, too,\* shews somewhat coy, if you will pardon the expression, of this same commission, but tries to substitute a better reason. "Such," he says, "is the description given by Bishop Burnet. But it is *evident* that this commission *only* concerned 'the visitation of the ecclesiastical state and persons,' and did not extend to the reformation of all manner of heresies and offences." The drift of this seems to be, that we should not look on this as a *High Commission*; in other words, as a supreme Protestant Church tribunal. Well; it is something to see men ashamed of what they cannot defend. But how the reason assigned could prevent this from being a high commission, Dr. Cardwell does not say, and I believe for the best of good reasons. But, in point of fact, the statement is not true; much less is it "*evident*." The commissioners were empowered to enquire into and punish "by *censures*, deprivation, and all competent and congruous coercion, the criminous, and those who should obstinately and peremptorily *refuse to subscribe the adopted religion* ("Susceptæ religioni subscribere recusantes,") and those offending and guilty in *any way* ('*quocumque modo* delinquentes et culpabiles'), and, finally, to preclude the possibility of mistake, 'the contumacious and refractory, of *whatever state and condition*' ('contumaces et rebelles *cujuscumque conditionis sive status* fuerint'); and along with all this, 'to convene synods and chapters of clergy and *people*, and enforce the Queen's *injunctions*.'" We hope this last will be allowed to be an exercise of the royal supremacy, with which Parliament had nothing to do beyond giving

\* Doc. Ann. i. p. 217, note.

the radical power. These extracts we have taken from Dr. Cardwell's own edition. Strange, that a man cannot see what is in his own pages! But, then, party-zeal *does* sometimes blind. On the other hand, it is graceful, as I said, to find men at least ashamed of what they cannot defend. And such is the transaction before us. It is what would be called in Parliament "an untoward event." But it cannot be helped. There it is:—"the First High Commission;" placed in reward for these its services—and very essential services they were, for they put a set of old bishops out of the way, when new ones wanted to get into their places—among the institutions of the Church, at the head of her time-honoured judicatories, to control and coerce *them* too, when necessary, as it did their episcopal presidents before them.

Burnet goes on: "that which was chiefly condemned in these commissions, was the Queen's giving the visitors authority to proceed by ecclesiastical censures, which seemed a great stretch of her authority." So that the detruding an entire hierarchy out of their sees is nothing in the good bishop's eyes. It is the *manner* of doing the thing that constitutes the offence. Had the lay power expelled the Church's pastors by brute force only, all would be right. But to do this by ecclesiastical censures—oh! that "*seemed*" a great stretch of the lady's supremacy. But does not the infliction of ecclesiastical censures constitute a part of the spiritual jurisdiction? And does not the Act declare it to belong to the royal supremacy, "to use and exercise *all* such jurisdictions, spiritual and ecclesiastical, as by *any* spiritual and ecclesiastical power or authority, hath heretofore been, or may lawfully be, used *over* the ecclesiastical state of the realm?" And did not the same act order that every bishop should take an *oath* of acknowledgment of that



jurisdiction, and of promise that he would "*defend*" it? Did not Dr. Burnet himself take that oath at the altar, before he was consecrated Bishop of Salisbury? Did not Dr. Burnet exact assent and consent to this jurisdiction willingly and *ex animo* from every candidate who sought orders at his hands? Did he not propose it to all true believers as an *article* of their faith? If after all this the good bishop is forced to say "it is a great stretch," we must be allowed to think the stretch of his conscience much greater; and that his Church is a contemptible one, whose most boasted bishops are thus obliged to speak in disparagement of its articles which they have sworn to defend.

"But," continues Burnet, "it was thought the queen might do that, as well as the lay-chancellors did it in the ecclesiastical courts; so that," he concludes, "one abuse was the excuse for another."\* Happy Church! where one abuse *is* the excuse for another! With what security must not her people repose on such a Church for their salvation! But, I should like to be told, is it not in virtue of this "abuse" that the new hierarchy replaced the old? And, consequently, if the case is as described by Bishop Burnet, is not the Church herself one flagrant abuse from end to end? Are not her foundations laid in this abuse? Is it not the title by which Dr. Burnet held, and his successors to this day hold, the see of Salisbury? And is not their tenure of office then a crying abuse, aggravated by every hour it continues to subsist? So much for the first high commission, which swept from off the land the hierarchy planted there by the sainted Augustine and his monks.

As soon as, by its agency, these prelates were expelled,

\* Burnet, H. R. ii. p. 801.

the queen proceeded to the second act of the drama. If she could pull down a hierarchy, it is unquestionable she could set up one; or, as the writer in the *Tracts* phrases it, she could "*make*" it. To this she, accordingly, now addressed herself. And having nominated on the 18th of July—(you see the first commissioners lost no time; in three weeks and two days the cathedrals were sufficiently cleared of their old incumbrances)—having nominated, I say, on that day Matthew Parker as her metropolitan, the queen on the day after, namely, on the 19th of July, 1559, issued her warrant for the second High Commission. It was directed to Parker, *nominated* Bishop (sic) of Canterbury, Grindal, *nominated* Bishop of London, and William Bill the queen's almoner. These were the only ecclesiastics. And you will observe that they were only *nominated*; I mean the bishops, among them. They were not so much as elected by the mockery of a *congé-d'estlire* at the time; much less confirmed. So that on Protestant principles as well as our own, these three ecclesiastical commissioners had not, as clergymen, between them, at the time of their appointment to exercise that highest jurisdiction in the Church, a particle of spiritual or pastoral authority. I only mention this as an illustration of the position I have already called attention to, viz., that the Queen's authority *alone* sufficed for the jurisdiction of the high commission court, and was quite irrespective of the circumstance of the commissioners having ordinary ecclesiastical jurisdiction outside the court or not. To these embryo-pastors were added, in the same commission, sixteen others, all laymen; and out of the entire number, any six, of whom it was not necessary that either of the ecclesiastics should be one,\*

\* The presence of Parker or Grindal was only required when one

were empowered to visit, reform, redress, order, correct, and amend, in *all* places and dioceses within the realm of England, all such errors, heresies, crimes, *abuses* [it ought to have begun with Bishop Burnet's abuse *supra*], offences, contempts and enormities, spiritual and ecclesiastical, wheresoever, which by any spiritual or ecclesiastical power, authority, or jurisdiction, can or may be lawfully reformed, ordered, and so forth."

This alone stamps the English Church *a slave*. For it makes the constitution of that court to be this, that laymen should preside in it coordinately and coequally with churchmen, and that there, independently of all save the Crown, they should adjudicate upon every spiritual case by every spiritual authority. The prelates of that Church, as they entered within the precincts of that court, became stripped of any peculiar character they might be allowed to parade out of it, as bishops. Their out-of-door jurisdiction was taken up, as it were, and absorbed in the paramount jurisdiction of the chance possessor of the throne with which they were there invested,—but invested in no larger measure than the merest layman in it. It was in the power of these laymen to arraign the bishops and clergy of the several dioceses at their bar, and pass censures on them, without the assistance or assent of a single bishop; while not a bishop in his court dare reverse that sentence. This jurisdiction the Church acknowledged and sanctioned, while her prelates assisted to carry it out. I put it then to the common sense and common honesty of any man, no matter how bigoted,—was not that in the plainest and most unmistakeable manner to avow itself a slave, a slave too by the very force of duty?

of five specified laymen could not attend. If any of these five should be present, then the *quorum* might be *altogether lay*.

I then, in the first place, aver that the mere recognition of such a court is inconsistent, not only with the practice, but the theory of Church freedom; and that the Church that could make that recognition for an hour, is, by its own deliberate act, a slave, renouncing its birthright for its mess of pottage, and subscribing its own degradation and enslavement. The only question such a case admits of, is plainly the one of fact,—did the English Church recognize the jurisdiction of this court? It did, and repeatedly, in the most distinct manner, not only by the several acts of her bishops, but in her aggregate capacity, in solemn synod assembled: for instance, in 1640, in her first canon, she defines, in the most ample and stringent manner, the regal supremacy, as of Divine right; and calls on the High Commission Court to *excommunicate* every clergyman who should question this power in any part or article of it, then to *suspend* him, and upon a second offence to “deprive” him, and all this by the court’s own proper power, “as *his Majesty’s commissioners for causes ecclesiastical*.”

Commenting upon this commission, Dr. Cardwell says, “Dr. Lingard has observed, that whoever will compare the powers given to this tribunal with those of the Inquisition which Philip the Second endeavoured to establish in the Low Countries, will find that the chief difference between the two courts consisted in their names. But Dr. Lingard,” he continues, “ought to have added, that though such commissions were not unknown in the time of Edward the Sixth, the person who first brought into England the model attempted in the Low Countries, was queen Mary, as may be seen from her General Commission, dated Feb. 8, 1556 (Burnet, *H.R.* ii. 435, Oxford), and her Special Commission, dated Feb. 16, 1556 (Wilkins, iv. 140), from which the war-

rant of queen Elizabeth is, in a great measure, copied; and that the same system was continued in the reign of Elizabeth, not because it was congenial to the spirit of Protestantism, but because the temper of the times had been trained and hardened in the school of Popery.”\*

I confess I read this rather tart commentary of Dr. Cardwell's with regret. His editions of the several works he has republished do him credit. There are, to be sure, some drawbacks; as, for instance, where professing to give, in the first volume of the “Annals,” the Queen's warrant for the consecration of Matthew Parker, he *suppresses*† the most striking and important part, namely, where, by her supreme power, she dispenses in both canon and municipal law. But, on the whole, these reprints are executed with the taste, and enriched with the information of a well-stored and cultivated mind; and it cannot but be painful to behold such a mind delivered over to the dark and souring influence of sectarian hate. But as the learned professor has provoked the discussion, we shall certainly not shrink from it. Dr. Lingard has taken no notice of the aggression. Perhaps does he hold it cheap, and beneath his notice. Perhaps does he judge it to carry in its own bitterness its proper antidote. We know not. But, in our judgment, the professor's rank and prominence give to his remarks a claim to attention, which might justly be denied them on their own deserts; and as they happen to lie in our way, we shall not turn aside from encountering them. They fall in with our task, and may even serve to relieve its dry details.

I will first, then, remark that Dr. Lingard nowhere says that the High Commission Court was congenial to

\* Doc. Ann. i. 223, note.

† At p. 243 of vol. i.

the spirit of Protestantism; though, had he been disposed to do so, he might have quoted high authority for the assertion. Zuingli, for instance, who is generally thought to have been a pretty good Protestant, says that "the Gospel [by which he means Protestantism] requires blood."\* But Dr. Lingard's good sense and good taste taught him to devolve the task of supplying that comment on such persons as the Camden Professor of History, and he ought to be obliged to the learned professor for the zeal and promptitude with which he has set about it. But the learned professor has another claim to be thanked. It is, that he concedes the allegation of the historian, while he seeks to shift its odium; And thus the High Commission Court of the Reformed English Church, turns out, after all, to be but the inquisition under another name. But then Mary had previously introduced that tribunal into the country, and Elizabeth and her bishops did but follow up what she commenced. And is this the defence Dr. Cardwell is obliged to set up for his Church,—that she imitated the worst portions of the schooling and training of Popery, as he very politely calls it? The inquisition—the "odious" and "bloodthirsty" inquisition—is copied by Elizabeth in her High Commission Court; and that court is made the first and the favourite among Protestant judicatories, "because," says Dr. Cardwell, "the temper of the times was hardened in the school of Popery." A very eloquent apology, certainly, for a religion which professed to come in for the express purpose of reforming the temper of the times! And so it turns out that *this pure portion of the Church of Christ* (for such is the cant of the day)

\* "Evangelium vult sanguinem."—Zuingli's words, quoted by Erasmus, *Epistola ad Fratres Germaniæ*.



travels all the way to Spain, to rake from out the kennels of the inquisition there, its most revolting defilements, in order to make plastering for the walls of its chief judicatory! Temper of the times! Pray, if one of the wayward youth of the University should be detected indulging in some of the fashionable vices of the day, would he be permitted to put in the plea of *the temper of the times*? Would such a plea be treated otherwise than as an insult and an aggravation? And shall a defence that would criminate a schoolboy, be permitted to excuse a Church, and that Church a *reformed* and *reforming* one?

But if the plea be good for anything, why should queen Mary be excluded from her share in the benefit of it? Were not the "*six acts*" a pretty good school of hardening? And young Edward's commissions? And his friend Cranmer's assistance in giving practical illustration of the effects of both? Were not all these tolerable training *schools*, though not exactly Popish? And, moreover, would it be any wonder if that princess's temper had been "hardened," after the treatment she received in public and private from the hands of the Reformers? Were not private wrong and public hostility towards her estate and person coextensive with Reform? Does not every history, from Tytler's and Lingard's to Miss Strickland's, aver it? And shall no account be taken of these things? Yet it is not my object to become her apologist; but to remark on the gross partiality of the annalist, who has one measure for the Protestant and another for the Catholic Queen.

After all, Dr. Cardwell seems to be not more than half convinced himself, that Mary was the first to introduce the Low Country inquisition into England, for he takes care to premise, that "*such* commissions were not

unknown in King Edward's time." If "such" commissions, then, were known in Edward's time, how could they be said to be introduced *after* his time? Nor is this a hasty, chance expression, upon which it would be unfair strictly to comment. On the contrary, Dr. Cardwell has left it to be plainly understood that this is a weighed and well-considered sentence, from which it would not be lawful to depart a nail's breadth; for in his preface, referring, as he does with marked complacency, to the whole of this passage on which I am remarking, he repeats these same identical words with religious fidelity. Now the professor is perfectly right in saying that such commissions—commissions, that is, formed on the model of the inquisition—were not unknown in Mary's predecessor's reign. Dr. Cardwell himself has the merit to refer us to one of these, issued by the boy-head of the Church in his fourth year of reign—

"Ere time matured him to a kingdom's weight."

It was directed to thirty-one persons, as usual mostly laymen, of whom three (and here again it was not necessary that a clergyman should be of the number) were empowered "to pluck up with all speed and celerity the noxious seed of heresy," and to "extirpate" the same by form of witness, and *all other* kinds of proof; to take cognizance of the premises by "inquisition" and examination, and *all ways, means, and forms*, as best and most efficaciously they could, *even summarily and peremptorily, without the noise and form of a judicial proceeding*, and if they found any persons contaminated with the crime of heresy or other impious opinion, to reclaim them from their errors, if possible; and the recanting to absolve, imposing on them salutary and

condign penances; but the pertinacious and obstinate to excommunicate *and deliver over to the secular arm* [the very style of the inquisition]; and punish and correct *all* lay and *ecclesiastical* persons *of what rank soever*, that should be either *suspected*, detected, denounced, or *inquisited*, according to the statute, and to do *all other and singular things that for the execution of the said inquisition should be necessary, or in any way useful, even to the putting in gaol and loading with irons the persons suspected, &c.*; and you," the instrument concludes, addressing the inquisitors, "we by these presents name and constitute for the aforementioned effects, our *inquisitors*, judges, and commissioners; your judgments to be without appeal, *even though there should be no denunciation or accusation against the persons described as above; all the statutes and ordinances in Parliament made and provided, in which it may be that greater solemnity and circumstance are required for such proceedings, notwithstanding.* Teste meipso, &c." I think that document would not disgrace the manufactory of the Spaniard himself. So that if there be any credit to be got by the introduction of the Spanish model into this country, the Protestant little Pope, Edward, and his friends Cranmer and Ridley, seem fairly entitled to it; all Dr. Cardwell's efforts to divert attention from the fact "to the contrary notwithstanding." It is observable, too, that Cranmer and his associates, who drew up this document, seem to have taken a very different view of the affair from Dr. Cardwell, for they make their boy-puppet say, that to issue such inquisitorial decrees was the duty of *all* Christian princes, but principally of him whose prerogative it was to be the *head of the Church*.

Beside this warrant and those of Elizabeth, Mary's

attempts at *commissioning* show, to say the truth, rather *gauches*. I take the two exemplars to which Dr. Cardwell refers us, and I make them, as he wishes, my points of comparison. We may be sure they are the strongest which learning and zeal like his own could discover. Now I say that these commissions of Mary's fall, in many respects, short of the objectionable character of either those of her brother before, or her sister after her.

For the first point of difference between them, Dr. Cardwell himself is my voucher. "This," he says in the very page before us, speaking of Elizabeth's commission of the 19th of July, "is the *first* warrant issued for the establishment of a general and permanent Court of High Commission." If a commission be inquisitorial and cruel, it will make, we think, all the difference in the world whether it be temporary or permanent; partial or general. Now the Spanish Inquisition was both general and permanent. And Queen Elizabeth was the first, says Dr. Cardwell, to make the High Commission Court—which was the English Inquisition—*permanent* and *general*. We thank Dr. Cardwell for so much, though he ought to have remembered this important concession ere he ventured to attribute to Mary what it now turns out was done by Elizabeth—the introduction of a *standing* inquisition, coeval and co-extensive with the established religion.

But next, the writer whom he so bitterly takes to task, Dr. Lingard, has pointed attention to another difference, which he justly terms "immense," but of which it was not convenient for Dr. Cardwell to take notice. That difference is, that whereas the inquisition superseded the *ordinary* jurisdiction; and in this was faithfully copied in *all* the Protestant Commissions, both before and after

Mary, Mary herself carefully avoided this outrageous encroachment; she ordered that all accused of unsound doctrines, should be, in every instance, brought before the ordinaries, as the proper judges of what was and what was not heresy. Burnet, in stating the case otherwise, states that which his own records (no new thing) disprove; and, like blind leader of the blind, he seems to have dragged Dr. Cardwell after him into the fosse. That dishonest guide gives to understand\* that the ordinaries had full power to proceed according to discretion, whereas their power was expressly limited to proceeding "according to the spiritual and ecclesiastical laws."† As for the special commission referred to, it was made subordinate to the general commission, and consequently bound by the same code of laws. So far then the commission of Mary fell immeasurably short of the inquisition; while those of Edward and Elizabeth were, under the same respect, faithful counterparts of it. But I am now to mention a circumstance already insisted on, and in which the commissions of Edward and Elizabeth, and *they alone*, outstripped the inquisition itself; and that is, that while this latter did not pretend to set up a merely lay tribunal to judge of heresy and all other ecclesiastical causes without the assistance of a single ecclesiastic, the Established Church and its royal heads have uniformly done so.

In the next place; the commission courts, under both the Protestant princes before us, placed themselves *above* all law and forms of law; municipal as well as ecclesiastical;—thus, taking a flight beyond what not only Mary, but the inquisition itself ever attempted.

\* H. R. ii. part ii. book ii. p. 347, Lond. 1681.

† Ibid. Rec. No. 32, p. 311.

Mary, in her warrants, expressly prescribes the laws as the rule of action for her commissioners; while Edward, we have seen, as expressly calls on *his* nominees to disregard even Acts of Parliament, made with the specific intent of controlling their arbitrariness. Their instructions from this head of the Reformed English Church are to proceed against even the unaccused and undenounced—against any, in short, they may choose to “suspect”—without so much as the forms of a judicial proceeding, even though the statute should be precise in exacting them; “*sine strepitu et figura judicii.....statutis.....in parliamentis nostris in contrarium.....provisis, in quibus forsan major solemnitas et circumstantia ad hujusmodi negotia requiruntur,....non obstantibus quibuscumque;*” in this, trampling not only upon all positive law, but upon the dictates of natural equity, written upon every man’s heart. His Catholic sister and successor refused to follow the unjust example. Not so his Protestant sister. She, in the very commission before us, and it is not the worst of these tyrannical instruments (19th July, 1559), authorizes her commissioners to exercise ecclesiastical jurisdiction, not only according to the statute, but *above* and *beyond* the statute, to “award such punishment *by fine, imprisonment, or otherwise; by all or any of the ways aforesaid*, for redress of spiritual offences, as to the commissioners’ *wisdoms and discretions* shall seem fit.”\* The lives, liberties, and property of freeborn British subjects were thus abandoned to the lawless appetites of some twenty or thirty irresponsible fanatics, instigated by the deadliest hatred against the professors of their fathers’ creed! Now “the Papal authority,” says Coke, “as hath been confessed, did

\* Sec. ix.



never fine or imprison *in any case*, but ever proceeded only by ecclesiastical censures.”\* I hope this will be allowed to be another point of difference.

I am now to reveal a fourth feature in this favourite tribunal of England's Reformed Church. In the section last quoted,† Elizabeth empowered her commissioners to arraign before them “all and every offender, and such as to the commissioners or six of them should *seem* to be *suspect* persons in any of the premises.....and them and *every of them* to examine *on their corporal oath* for the better trial and opening of the premises.”‡ That is to say, a man's life is, we will suppose, so perfectly unexceptionable, that there is no matter of complaint against him; but he is obnoxious to some one or other of the commissioners; or, in the expressive language of the warrant, he “*seems to be suspect.*” Now how get at such a man? Simply enough. Turn his conscientiousness into a crime, and his reverence for the name of God into his accuser; *put him on oath; and under the pressure of that oath, make him give up his heart's secret, which he is perhaps to expiate by his blood.* The perjured wretch by his side takes the same oath, and by virtue of his perjury escapes: but the conscientious victim is sacrificed, precisely because he has a conscience! If there be such a thing as the “sublime” in cruelty and injustice, is it not this? Yet this is the jurisprudence

\* Inst. p. iv. cap. 74.

† Sec. ix.

‡ Historians generally tell us that the earlier commissioners referred for their warrant to put the *ex officio* oath to the words “all other politic ways they could devise.” I see no reason for their travelling beyond the words quoted in the text, which appear to me plainly to cover the case. Of the *fact*, however, of that oath being put by all the commissioners, there is no question; and if without warrant, it was only the more tyrannical.

of the Reformation! And this is the court which Protestant England for a hundred years held up to the world by the name of "Christian!" Can Dr. Cardwell point out anything like this in the commissions of Mary? But we do that princess's memory wrong by such a question. No one has ever thought of imputing such iniquity to her.

But, at all events, the torture;—surely, the torture was unsparingly applied by "bloody Queen Mary," for the detection of *heretical pravity*. And the application of torture is characteristic of the inquisition. In this, at least, Elizabeth has but followed the example of her Popish sister, who, in copying this feature, has adhered closely to the model of the Spanish tribunal. So, at least, says Burnet; and Burnet is Dr. Cardwell's *Magnus Apollo*. The bishop's words, at page 243 of the third volume of his "History of the Reformation," are these: "The putting people not yet convict to the torture, because they were thought obstinate and would not confess, and the leaving the degree of torture to *the discretion* of those appointed for their examination, *was a great step towards the most rigorous part of the proceedings of the inquisition.*" And a little further on: "arbitrary torture and secret informers seem to be the great steps made to prepare the nation for an inquisition." Possibly these were the passages that were present to Dr. Cardwell's mind, when he brought his charge against Dr. Lingard and the Princess Mary. But woe to professors of history who take the Bishop of Salisbury for their guide! It so happens that it is to Edward and Elizabeth, and *not* to Mary, that we are indebted for the introduction of this distinctive practice of the Spanish tribunal. Mr. Jardine, in his excellent lecture on "*The Use of Torture*," has canvassed this subject with great

industry and critical power, and gives this result at page 21: "The enumeration I have made comprises all the cases of torture mentioned by Burnet from the council books in Mary's reign, and adds several of which he does not appear to have been aware. Among these recorded and authentic cases, I believe it cannot be proved that *any one* arose from the prosecution of heretics. In some instances, it may be conjectured from a comparison of dates and circumstances, that this was the case; but there is no direct, *or even probable proof* of the fact; and on the other hand, it is obvious from the entries themselves, that the majority of them referred to murders, robberies, embezzlements, and other crimes, wholly unconnected with the ordinances of religious bigotry." "The Protestant bishop," he continues, "composing his history under strong party prejudices [we commend this to Dr. Cardwell—'Fas est et ab hoste doceri;'] and a Camden professor may even learn from a member of the Inns of Court] is especially careful to throw these cases of torture into his enumeration of the enormities of a Catholic reign, as so many examples of the wickedness of religious persecution, and is equally careful to cite not a single instance *of the same kind of injustice from the Protestant reigns which preceded and followed it*. I have already shown instances from the government of Edward VI. I now proceed to that of Elizabeth; and in the *long* catalogue of the cases of torture which occurred in the reign of a sovereign whom Protestant historians delight to honour, you will not fail to observe that *many* instances, *and these sometimes the most prominent for refinement of cruelty*, unquestionably and avowedly arose from Protestant persecutions." Who now, we would ask, approached nearest the Spanish prototype? Yet we have reason to

believe we do injury even to the modern Spanish Inquisition, in entertaining the parallel in this respect between it and the proceedings of the English Reformed authorities. However, as we are neither called on, nor disposed, to become the apologists of that celebrated court, we let that pass for the present,\* satisfied with having pointed out a fifth and very material particular, in which Mary departed from, and Edward and Elizabeth approached, the model of the odious inquisition.

But perhaps it will be said, that the temper of the *ecclesiastics*, who were the assessors of the High Commission Court, and who, in this and other capacities, contributed to the final triumph of the Reformation in this country, was averse from these cruelties, which must be solely charged against the government. No greater mistake. Without going the length of saying that these horrors were "congenial to the spirit of Protestantism," it may be safely asserted that they were congenial to the spirit of those who took the most prominent part in promoting the triumph of Protestantism in these countries; and this will form a *sixth* and concluding point of contrast between the commissions of Mary and Elizabeth, in which the former will not suffer by comparison with the latter.

That the prelates, on whom it devolved juridically to pronounce the Reformers under Mary to be heretics, had no relish for the task assigned them, is matter of certainty and record. It was their duty to try the cases sent before them, and upon conviction of heresy, to excommunicate the parties. *In this the law left them no choice.* Yet one way or other, either by a direct refusal to receive the prisoners, or by affected delays, they, for

\* See Appendix.

the most part, contrived to elude the ungracious office, and save the unfortunate culprits. This leniency, however, but ill accorded with the temper or policy of the council, who, accordingly, addressed a sharp reprimand to the bishops, in which they make their majesties express "their no little marvel that these disordered persons, brought to them from the justices, had been suffered to continue in their errors, to the dishonour of Almighty God, and dangerous example of others." These stimulants, *which had to be renewed*, leave no doubt of the reluctance of the prelates to proceed to extremities with the fanatical victims of delusion; nor is it necessary I should further dwell upon this point, which has been, as usual, so happily placed by Dr. Lingard in its full light,—a light so irresistible as to force even Mr. Soames to confess that "the bishops eagerly availed themselves of any subterfuge by which they could escape pronouncing these revolting sentences."\* One observation only will I take leave to make; and that is, that Dr. Cardwell might have learned from even his guide and master, Burnet, to distrust the suggestions of that splenetic bigotry in which alone he could have found his warrant for the assertion on which he ventures in his preface to the "Documentary Annals,"—that Mary, passing by the example of her immediate predecessor and brother, "found a more effective model for her commission in the practice of the inquisition and the tender mercies of her Spanish consort." Now what is the fact? On the first Sunday after the persecution under Mary commenced, a friar, and from the country of the inquisition too,—related, moreover, to Philip in the intimate capacity of his confessor,—hastens into the pulpit, and

\* Soames, His. Ref. iv. 412.



there, before the assembled court and prelacy, pours forth a strain of eloquent and indignant invective against the originators and abettors of these severities, "so largely," says Burnet, "as to startle the bishops, *since it was now plain that the Spaniards disowned these extreme courses.*"\* The sarcastic allusion, then, of Dr. Cardwell to the "tender mercies of the Spanish consort," is as unjust as it is ungenerous.

It has been surmised that the preacher must have been aware of the approval of the bishops; perhaps, have had some secret intimation from them that they would not be unwilling listeners to observations, calculated, as the result showed, to relieve them from a function for which they are recognized to have entertained a repugnance, only to be overcome by strong and repeated menaces from the council.—Now the case is exactly reversed in the instance of the Elizabethan prelates. *There it was the council that had to restrain the intolerance of the churchmen.*

In 1562, ere yet the new Anglican Church had risen to the dignity of a definite form and creed, it was proposed and *carried* in her first synod, that the *impeaching, depraving, or despising of her articles of religion, not yet dry upon the paper that recorded them, or of any doctrine therein contained, should be ordered as in case of heresy; that is to say, should be punished by death!*

It is to the moderation of the council, though certainly not over tender-hearted in such matters, we owe it, that that sanguinary proposal did not become a canon of the Church, and a law of the state; for it is set down under the heading (in accordance with the Act of Su-

\* H. R. ii. 612, Oxford, 1829.



premacý) of “Notes of matters to be moved *by the clergy in the next parliament*, and synod.”\* That parliament, however, did not require such clerical instigations to cruelty, having enacted penalties against the *entire* Catholic population, so exterminating, that Cecil could only excuse them by saying, “such be the humours of the Commons’ house, as they thynk nothing sharpe ynough ageynst Papists.”†

This fact, which I am after stating, would suffice, did it even stand alone, to establish the contrast to which the Oxford professor challenges us, to the disadvantage of his Church. But it does not stand alone. There is evidence to show that the persecuting spirit which suggested that canon was neither a restricted nor an evanescent feeling with the Reforming churchmen of England. With this evidence, however, I do not mean to trouble you at present. On a future occasion, if allowed to resume these addresses, I may, perhaps, return to the subject, for the purpose of flinging back an imputation which I conceive to be as unwarrantable as it is unprovoked. But I shall do so, still confining myself to my main subject—the High Commission Court—and making my observations illustrative of its history and character. And with this understanding, and with many thanks for your kind attention, I now take a respectful leave.

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\* Gibson, Strype.

† Wright, i. 126.

## LECTURE VI.

“THE HIGH COMMISSION COURT,” CONTINUED.

MY LORD,

I again present myself before you, to carry out my reply to the unjust and unwarrantable aggression of Dr. Cardwell, in saying that “the temper of the times [meaning thereby Elizabeth’s times] was hardened and trained in the school of Popery.” I certainly had rather be spared the recital of the details by which I shall find it necessary to repel that odious and unprovoked assault; for to say that it was provoked by the simple averment of Dr. Lingard, in discharge of his duty as an historian, that the High Commission was the Inquisition under another name—an averment that has been over and over again repeated by the most orthodox and anti-Popish writers—is what no one will believe. But I am strongly of opinion that when men of weight and learning, as in the present instance, will so far forget themselves as to make these attacks, and thereby try to excite ill-will against their elder brethren in the Christian family, it would not only be cruel to ask us to sit down tamely under the infliction, but that it is moreover the shortest way to a proper and conciliatory understanding, to strike a balance in these matters, and to show our assailants that, if they can find subject of reproach, under the head of persecution, against some Catholics of by-gone times, they are not themselves immaculate on the same score; nay, that while they are defied to prove that persecution formed any portion of the Catholic code, it was the staple of the Reformed system; that on the Catholic side it was *the exception*, on the Protestant

it was *the rule*; and that the chief instrument to which their Church is indebted for its establishment in the realm, has been the sword of persecution. I hope the day is not far distant, when we shall be spared the necessity of recurring to these reprisals, and when we shall be permitted to peruse the narrative of the sufferings of our forefathers in the same spirit in which we take up the history of the early persecutions,—a spirit of thankfulness that such days have past, and that a better dawn has arisen over the scene; that the blood of the martyrs has become the seed of Christians, that is to say, of Catholics, for they are synonymous; and that the cruel ordeal has only proved the vitality of our holy religion, as indestructible in the sixteenth, as in the second and third centuries; thus pointing distinctly to where His tutelary presence presides, who has said, *that He would build His Church upon a rock (Peter), and that the gates of hell should never prevail against it; for that He would be in the midst of it all days, even to the consummation of time.*

It is in the spirit then of a just and moderate defence, and with no wish to return railing for railing, that I now approach, but reluctantly, the subject that lies before me.

In closing the last reading I had the honour to pronounce here, I took occasion to place the acknowledged reluctance of the Catholic bishops to be the instruments of persecution under Mary, in contrast with the sanguinary eagerness exhibited by the new prelates under her successor, to draw the sword upon all who should dare to differ with them. Yes,—though their tenets could yet scarce boast a day's synodical existence,—though that worship, which is but the embodiment of those tenets, was barely carried in their council by one casting vote,—this faltering Church of yesterday was so

ripe for persecution, that it was proposed and adopted by her, to coerce the world, at the edge of the sword, to bow before the majesty of these crude notions of hers, and to worship them as divine; anathematizing, at the same time, those venerable dogmas which Christians had been in the habit of reverencing for ages. And this was the Church which came in on the principle of every man's having a right to judge and choose for himself! Now to heighten the contrast, let us just recal the character of the first synodical proceedings under the previous reign. There we fail to trace the slightest vestige of a disposition to retaliate the severities which the heads of the Catholic Church had to endure, under the iron rule of Edward. On the contrary, Burnet is obliged to testify to the tolerant and chastened spirit that animated that "school of Popery," as Dr. Cardwell would eloquently phrase it. "By all this," says that unsuspected witness, "it may appear how well tempered the Cardinal [Pole, the pope's legate, who presided] was. He never set on the clergy to persecute heretics, but only to reform themselves."\* What coolness then does it not argue in a professor of history, with whom this Burnet is a principal authority, to speak of the temper of the Elizabethan persecutors having been hardened in the school of Popery!†

But to carry this contrast further, and yet not travel out of my main subject, the High Commission Court, I

\* H. R. ii. 655.

† If Popery were a hardening school of persecution, then should Ireland, eminently Popish, be also eminently intolerant. Yet three times, says the historian, did she resume power, and never once exercised vengeance. In the reign of Mary, the Protestants of England, flying from persecution, found an asylum with the Catholics of Ireland, who never injured a single person in life or limb for professing a different religion from their own. Ill has poor Ireland been requited. See Parnell's *Apology*, and Taylor's *Civil Wars*.

now propose to select some two or three of the most respectable and fairest characters among the early Anglican prelates, the same being commissioners; and having shown what these were capable of, leave it to my hearers to decide for themselves of what manner of spirit was the order of which they were the chief support and ornament. Still more to restrict this inquiry, I shall chiefly advert to their use of torture,—torture being described by Burnet as the distinctive mark of an inquisition.

Starting then from the very year in which this first Protestant synod was holden (1562), I proceed to enquire whether the feeling which seems to have pervaded it of intolerant hostility to every other form of worship, was evanescent or otherwise. The first thing I find is Grindal, the most lauded of men, the *Algrind* of Spenser, and one, of whose virtues, and principally his mildness and lenity of disposition, “naturally averse to methods of harshness,” Neal can scarcely find terms sufficiently comprehensive to speak,\*—this mild and moderate prelate I find clubbing his wits with Cox, another “Reformed” bishop, and, in his day, commissioner, to move the privy-council to torture an unhappy priest whom they discovered in Lady Carew’s house, with a view to extort from him the confession that he had committed the heinous offence of saying mass. They commence by complaining that he would not take the *ex officio* oath to condemn himself. They next proceed to suggest that “Papistry is like to end in Anabaptistry;” in order to understand which observation, it is only necessary to recollect that Anabaptistry was punishable by death; and after this very significant hint, these gentle beings conclude by appealing to what they knew was the most

\* See Neal, i. 136, 259; London, 1837.

vulnerable point—the cupidity of the council, saying, “if this priest might be put to some kind of torment, and so driven to confess what he knoweth, he might gain the queen’s majesty a good *mass* of money, by the *masses* that he hath said; but this we refer to your lordship’s wisdom.”\* Talk of the Inquisition after this! I have never heard that they indulged in ribald jests at the tortures of their victims.

Let us now turn to the foremost man amongst them all, as well for character as station, Parker,—the type, as he is described by Dr. Cardwell, of the moderation of his party. Such a one it would be unpardonable to neglect. Now, this mild and moderate churchman it was who probably proposed, most certainly approved, of the sanguinary canon above mentioned of 1562. But lest we should seem to rest all our evidence on a single year, let us step forward, and take him in 1572, when he had the maturity and moderation of ten years’ additional wisdom. I will only ask that any man should read a single chapter in his *Life* by Strype,—the tenth of the fourth book,—and then come forward, and descant, as he can, upon the gentleness and mild Christian virtues of this proto-prelate of Anglicanism. He is there described inditing a letter to his friend and coadjutor in the good cause, Burghley, in which the mildest term he can find for his Catholic fellow-countrymen is *imps*, and *the Man of Sin*. It is under this latter designation that he urges the lord treasurer to draw the sword of persecution on them, adding that there was danger in delay (“in morâ periculum.”) This apostolic epistle, to which, after all, the amiable writer had the grace to be ashamed to append either his name or his residence, had, we are told by Strype, its origin in this. The dark spirits

\* Haynes, 395.



about the court entered at this time into a conspiracy to awaken the jealousy and alarms of the queen, as respected her Catholic subjects, and thus induce her to enforce the sanguinary enactments that were slumbering on the statute book against them. "Now, therefore," are the words of the honest biographer, "the great labour at court was to open the queen's eyes, and to make her apprehend her danger from the Papists, and that she might give forth her commands *to search for them*, and execute the laws against them [these laws, it will be remembered, entailed beggary and death on the entire Catholic population]; but that was a thing which queen Elizabeth would not hear of; and besides, she was void of all fear of alarm from the Papists, *which was a great trouble to our archbishop*."

Now every one at all acquainted with Elizabeth's character, ever ready to take alarm at the slightest menace to her person or dignity, will find, in the absence of all fear from the royal breast, a proof of the absence of all grounds for it; and yet the iniquitous set around her, with the mild and moderate archbishop at their head, seek to inspire imaginary terrors, in order to get leave to embrue their hands in their fellow-Christians' blood? "Why is Barker spared?" exclaims this meek prelate, in another passage quoted in the same chapter.\* "This, I suppose," says Strype, "was a convicted priest." The annalist seems to have known his man! "I should be loth," he says in another part, "to hear of Cotton's [this was a hunted-down Papist] escaping away." "You will do well," he writes a little further on to one of his suffragans, "in my opinion, by all means you can, enquire of such unordered persons, *papistically set*, not coming to prayers according to the

\* P. 122, Oxford.

lawes, *nor bearing good will* unto the religion received.”\* A strange perversion of taste, it must be acknowledged, not to fall in love with a religion that came so strongly recommended to them by the virtues it inspired! I should be curious to know, does a slowness of “good-will” to every new-fangled doctrine that might chance to be in the ascendant, grace the pages of the inquisition code? But time presses.

It so happened that about this time [1572], some Papists—animals *feræ naturæ*—were immeshed. An unusual buzz pervades the court. The good archbishop, the lord treasurer, and Sir Thomas Smith, put their heads together in deep and anxious consultation, lest the game should get away; and it is finally resolved, that Smith should write, in the name of the council, to the going judges of assize, to intimate that it was expected of them that they would not let the traversers escape. This suggestion came from Parker.† The secretary, hereupon, drew up a letter,” says Strype, “though he said, he could not like the Justices of assize for mass-matters, and that they would help them to escape punishment for that fault, which they would gladly commit themselves, if they durst.”‡ Here we may be allowed to observe, that we have an incidental confirmation of a fact already affirmed, that the learned professions were long known to be attached to the proscribed religion, while the glorious Reformation was left to find its advocates and adherents in the refuse of society.

I have given specimens of the truculent spirit of the leading prelates of the Reformation. What, if I shall say that the proposition for the legal murder of the unfortunate Mary Stuart originated in the same quarter.

\* Ibid. p. 360, London; 135, Oxford.

† See Wright's Elizabeth, i. 461.

‡ Ibid.

There is great reason to entertain that surmise.\* But beyond all question the reformed prelates of England, if they did not originate, seized with avidity, and enforced with zeal and eloquence, the sanguinary and iniquitous project. "If that only desperate person were away," says Parker in the epistle already quoted, "as by justice *soon* it might, the queen's majesty's good subjects would be in better hope."† He was not alone in that savage wish. Sandys, another boast of the Reformation, "a prelate, uniting in his conduct," says Lodge, "the easy elegance of a courtier, with as much piety, meekness, and benevolence, as ever ornamented the clerical character,"‡ transmits about the same time to the Lord Treasurer a well-digested plan, of which the first article is conceived in these words: "Furthwith *to* CUTTE OF the SCOTTISH QUENE'S HEADE: *ipsa est nostri fundi calamitas*,"§ which being interpreted, means in the language of the fanatical Earl of Kent, addressed to the royal victim herself in her last moments: "Your life will be the death of our religion, and your death will be the life of it."|| These men were not ashamed even to

\* Indeed, it is certain. The hesitation in the text arose solely from the reluctance to believe any set of men pretending to the character of Christian ministers capable of such atrocity. But there is no escaping from the conclusion. Even Mr. Wright is forced to say that the first direct proposition for poor Mary's decapitation came from the bishop of London, and was hailed with unanimity by the archbishop and his friends.—Wright, i. 439, 440.

† P. 123, Oxford; 354, London. ‡ Illustrations, ii. 162, 2nd edit.

§ The seventh article of the bishop's recommendation runs: "The chiefe papistes of this realme are to be shutte uppe in the Tower, and popish olde bushoppes to be returned thither." The torture was part of the prison discipline. I can understand no other reason for returning the *bushoppes* there, for they were already in ward, and one of them, Heath, was threatened with the torture where he was. I may, however, be mistaken.

|| Ellis, 2nd series, iii. 24, 25. Whoever would like to know more

carry their sanguinary sentiments into the pulpit, where Christian charity is supposed to sit enthroned. The bishop of Lincoln called for the blood of the captive queen of Scots, while preaching in the name of the meek and martyred Jesus.\*

Sandys was fond of flying at high quarry. Some poor Catholics, shut out by the intolerant laws of their country from the ordinary consolations of their religion, were permitted, by the charity of the Portuguese ambassador, to join his household in the celebration of the divine mysteries,—an act of worship at all times thrilling to a Catholic heart, but particularly so in the dark hour of adversity. Sandys got intimation of the fact. Immediately his indignation takes fire; and as high commissioner, he dispatches Pipe, the sheriff, to the embassy, with instructions to seize whomsoever he should there find “committing idolatry.” Four law students paid the penalty of this furtive homage to their Maker. They were committed to the Fleet. But this did not suffice to soothe the *pious* bishop’s godly anger. He sends an officer of the name of Norris to seize the ambassador himself, together with his “mass-priest”! Insolence like this of course could not be brooked. The ambassador called on the court to reprimand its servant. Sandys, nothing daunted, took up his pen, and in a letter to Burghley, has left us, for our edification, a specimen of Reformed episcopal piety and reverence. “Truly, my lord,” he says, “such an example is not to be suf-

about this pious, meek, and benevolent bishop, may consult Sir John Harington’s *State of the Church*.

\* Wright, i. 416; and Lingard, viii. 89. In the same spirit, Fulk, a notorious polemic of that day, and whose works, I perceive, are being republished by the Camden Society, describing in a sermon the agonies of some Catholics martyred for their religion, tells his auditors “they roared like infernal dogs.”—Bridgewater, *Concertatio*.

ferred. *God* will be mighty angry with it. It is too offensive. If her majesty should grant or tolerate it, she can never answer to *God* for it. *God's* cause must be carefully considered of. *God* willeth that his ministers *purge* the Church of idolatry and superstition. [This purging, it should be remembered, was by bleeding.] To wink at it, is to be partaker of it." "He told," says Strype, from whom this account is taken, "the lord treasurer, that he would do well to see that idolater and godless man [the ambassador] severely punished; 'or if you will,' added he, 'set him over to me, and give me authority; I will handle him *secundum virtutes*.'" One don't know which to admire the more, —the piety or meek benevolence of the man.

In order that no part of the character attributed to this amiable bishop by Lodge should go unauthenticated, I shall just detain you while I narrate a circumstance illustrative of his courtier-spirit and demeanour. In the letter where he speaks of "cutting of the Scottish quene's heade," he sets himself right with royalty, by offering to the minister he was writing to a loan of some select preachers, with himself at their head, to inculcate whatever court doctrines might be deemed most desirable. And this he does in so *naïve* a style, and with such an absence of circumlocution or reserve, as to evince that he was not conscious of doing anything which any one of his *confrères* on the bench would not be as forward to do in his turn, or that would, if known, bring down on him the slightest reproach. Behold, at a glimpse, a diocese—a Church, I may say —prostrate at the feet of the powers of this world, supplicating for their task-work, and ready to do any vile job that should be flung them! It is consoling to know that in the Reformed Church of England merit so transcendent



could not long go unrewarded. In three years after, Sandys was promoted to the archiepiscopal see of York.

In contrast with all this, I will pause to cite the sentiments of a Popish friar-bishop at this precise time—the bishop of Lisieux, who, when it was intimated to him that his government were determined to massacre the Protestant portion of his flock, thus wrote to the governor of the province: “It is the duty of a good shepherd to lay down his life for his sheep, not to let them be slaughtered before his face. *These are my sheep, though they are gone astray, and I am resolved to run all hazards in protecting them.*” In these noble Christian sentiments we are assured the bishop of Lisieux did not stand alone.\*

Let us take another step in advance over the next ten years. We there find Whitgift, the life and soul of the High Commission Court, just mounting (1583) the primatial throne, and suing out new and additional powers from her majesty to bring all its terrors into operation. This primate was previously bishop of Worcester, and there we see him trying his 'prentice hand at torturing the poor Papists of his neighbourhood, to find out where they had heard mass. Him, therefore, the crown selected as a fit and proper person to work the state-engine of inquisition, and preside over the High Commission Court. Accordingly, he gets associated with him eleven other bishops, together with the chief ministers of state, the attorney and solicitor-general, of whose zealous agency in prosecuting priests to death for the exercise of their ministry we so constantly read in the history of those times; Sir Owen Hopton, lieutenant of the Tower, who generally superintended the application of the torture, save when occasionally relieved by

\* Maimbourg, quoted in Milner's Letters.



Aylmer, bishop of London, "the chief mover," as Strype terms him, "of the commission," who sometimes took upon him that office; and some deans, prebendaries, and civilians;—in all, forty-four.\* With this powerful corps he proceeded to work. Nearly any three of them were empowered to put whatever interrogatories they should please, to whomsoever they should please, and under the sanction of an oath, *that they would not shrink from accusing themselves and their dearest friends, if it came in course*;—for that is the simple meaning of the oath *ex officio*. In order that the conscience, thus fairly within the grasp of the commissioners, should have no chance of escaping, no matter how pure and blameless, the provident archbishop drew up twenty-four articles of interrogatories, "so curiously penned," says Cecil, no mean judge, "so full of branches and circumstances, that I think the inquisition of Spain used not so many questions to comprehend and entrap their prey." Cecil remonstrated. But his remonstrance, of course, was only in favour of the Puritanical divines. The Papists, he assures the good archbishop, he has no objection to see treated as he should like. Whitgift, however, was strictly impartial. None, he was determined, of either class should, if he could possibly help it, escape. In this he was cordially supported by the queen, who detested the non-conformists; and with her majesty to sustain him, he fearlessly bade defiance to the whole council, who favoured the Puritans. The council's secretary, Beale, a true Protestant of the Puritanical cast, was hurried by his zeal into the composition

\* See in Neal, i. p. 269, note, an abstract of the warrant for this commission. It is almost a transcript of that of 1559, from which I cannot detect any material departure. This latter contains the provision for even the *ex officio* oath. See it in Cardwell.

of a pamphlet against the use of torture by the commission. This was an unpardonable crime in Whitgift's eyes, who accordingly denounced him in the Star-chamber. "Among his misdemeanours, drawn up by the archbishop, were these:—that in the House of Commons he had spoke of ecclesiastical matters, contrary to the queen's command; that he had defended his book against the practice of the ecclesiastical courts; that he had disputed the queen's authority, by virtue of the statute of the 1st Elizabeth, to grant power to her ecclesiastical commissioners to imprison whom they please, to impose fines upon offenders, and to administer the oath *ex officio*, saying they are within the statute of præmunire; that he had condemned racking for grievous offenders, as contrary to law and the liberty of the subject; and advised those in the marches of Wales that execute torture by virtue of instructions under her majesty's hands, to look to it, that their doings are well warranted."\* These were crimes, in an Anglican bishop's eyes! The delinquent, however, found sympathy in the Star-chamber, and so escaped,—for the Star-chamber was this time less cruel than the High Commission Court. But Whitgift continued to regale his ears with the groans of his "suspect" victims.

Hear now how he pleads for the oath *ex officio*,—the most hateful weapon ever wielded by tyrant: "If archbishops and bishops," he observes to Cecil, "should be driven to use proofs by witnesses only, the execution of the law would be partial, the charges in procuring and producing witnesses would be intolerable, and they would not be able to make quick dispatch enough with the secretaries."† What a tender-hearted soul! A Protestant

\* Neal, i. 279.

† Neal, ib. 278. Morrice, attorney of the Wards, was thrown for

determined that nobody should protest but himself! And, mark, he speaks on behalf of his brethren, "*if archbishops and bishops* should be driven," &c. It would be cruel indeed to *drive* archbishops and bishops to the relinquishment of an *ex officio* oath, or of a groan of torture! And this is the language of "Reformation!" And this it is to be "well affected towards religion!" My God! Was ever anything so revolting? The apostles went forth with a naked cross, to rescue a world from the darkness of idolatry; and these saviours of the world, that came to restore the apostolic age, and dispel the long night of Popery,—their weapon is the engine of torture! And when the outraged feelings of humanity rise up in the breast of an honest Puritan, to reprobate the unhallowed deed, he is accused of invading the sacred rights of the episcopacy, and menaced with pains and penalties!

But let us trace the tradition of episcopal cruelty a little further. Continuing the same plan of passing on to every tenth year, we light upon the year 1594, and there we find the right reverend commissioner, true to his vocation, inflaming the passions of the judges, jury, and functionaries that are collected in an assize town, to try some Popish priests for exercising their priestly functions. Hutton, bishop of Durham—for it is to him I allude—opens the summer assize in that town by a sermon, in which he inveighs against pope, seminaries, and priests, "incensing the judges," says the writer who narrates the fact, "to prosecute with all vigour the justice, or rather cruelty, of the law against such persons and their fautors, as should be produced before them;" then comes down and takes his seat on the bench, in a question of life and death, "for these men," observes

life into Tutbury Castle, for calling in question the legality of this infamous oath.

the same writer, "regard no irregularities!" and the two priests and a converted minister are condemned and executed.\*

Step over the next ten years, and close the reign of Elizabeth, seeing if the same spirit be carried forward into that of her successor. Dr. Robert Abbot, bishop of Salisbury, and brother to the archbishop of that name, writes a pamphlet, about 1605-6, in which he is not ashamed to declare to the world that he laments that the Jesuit Garnet was not put to the torture!† Yet restrain your astonishment. "Reformed" Anglican bishops and commissioners have not scrupled to send delicate young females to the common bridewell, to be whipped! This did Aylmer, bishop of London. This, too, did the bishop of Chester. Slave driver! when you have been held up to the execration of mankind, with whip uplifted over the trembling form of your female victim, why have you not pointed to Fulham and to Chester, and claimed the respectability of your Church-derived origin?‡

I should only weary your patience, and revolt your better feelings, were I to drag you further through these disgusting details. Suffice it to say, that to such a height of enormity did these horrors proceed, that the natural humanity of the nation, though long repressed by harangues from the pulpit, at length asserted itself, and put the government on its defence. The task was assigned to the crafty and inventive genius of Burghley, who in due time came forth with an apology, under the title of "A declaration of the favourable dealing of her Majesty's commissioners, appointed for the examination of certain traitors, and of tortures unjustly reported to

\* See Tierney's Dodd, iii. 134.

† Jardine's State Trials.

‡ Hallam, C. H. i. 193. Ellis, 2nd series; June 22, 1581.

be done upon them for matter of religion." It is universally allowed to have been a miserable failure; "serving only," says Hallam, "to mingle contempt with our detestation."\* The wily old politician says in it, that Campian, the most recent sufferer, "was never so racked, but that he was perfectly able to walk and to write, and did presently write and subscribe all his confessions. The queen's servants, the warders, whose office and act it is to handle the rack, were ever by those that attended the examinations charged to use it in so charitable a manner as such a thing must be!" My God! what a notion these people had of charity, thus to associate its heavenly name with the vile engine of torture! Was it from Whitgift, or Sandys, or Grindal, he learned his catechism?

The dark mysteries of the prison-house will not allow us to ascertain what was the real state of the poor sufferer above-named, after the horrid engine had done its work of cruelty upon him; but it is a public fact, that when called on at his trial to hold up his hand, like his fellow-prisoners, to the bar, he was unable to comply, till one of his companions, kissing with reverence the hand so abused for the confession of Christ, lifted it up for him, and thus enabled the holy martyr to plead "not guilty" like the rest.

There is an ungenerous attempt which I cannot help noticing, on the part of Dr. Cardwell, to tarnish the dearly-earned reputation of this confessor, by the gratuitous assertion, that he came into this country "an emissary, with the more specific object of inducing the Romanists to carry the bull of Pope Pius V into effect."†

\* Con. Hist. i. 204.

† Doc. Ann. i. 400, note. The bull was one of deposition against Elizabeth.

The reverse of this is the fact. Far from wishing to induce the Catholics to carry the bull of Pius into effect, the provident missionary solicited and obtained, before he set out for his mission, from Pius's successor, Pope Gregory XIII, a dispensation for the Catholics of England *that they should not carry it into effect*. Had Dr. C. indeed contended that this dispensation was a virtual recognition, on the part of those obtaining it, of the pope's *radical* power to depose the prince, there would have been some show of reason in it; though to those aware that the pontiffs never directly recal the acts of their predecessors, it will appear equivalent to an abrogation of the previous bull. But to assert that one coming to dispense with a bull, had for his more specific object to arouse his countrymen to its execution, is only the jargon that finds credence in the schools of bigotry. Very different Mr. Hallam. "Nothing that I have read," says this competent authority, "affords the *slightest* proof of Campian's concern in treasonable practices."

The truth is, it was charity for the spiritual destitution of his countrymen, that moved this Christian hero to brave the perils of a mission that was now an affair of life and death. Immediately on landing, he proclaimed his arrival and its object, and announced that he and his companions were placed under the strictest prohibition to intermeddle in state or worldly affairs. The whole power of government was immediately put in requisition to hunt and apprehend him. For a year he eluded their search. At length he was seized, tortured, tried, and executed, on as foul and false a charge as was ever preferred by tyranny against innocence. It was a charge of conspiracy on the part of himself and eleven other priests, with one layman, to murder the queen, and perpetrate I know not how many more horrid



crimes. The charge was not only not true, but not possible to be true; and it was further demonstrated by the prisoners that their unprincipled prosecutors did not believe it to be true, for they offered them their lives if they would but conform to their yesterday's religion. Even the wretched evidence by which it was attempted to support this rickety and self-confuted charge, was belied in the face of the court by a Protestant barrister, who, after the verdict, but before the judgment, arose in his place, and swore that one of the condemned, Colleton, was with himself, consulting him in his chambers in London, on the very day on which, according to the verdict, he was plotting at Rheims. Colleton was allowed to depart with his life; but the circumstance was too trifling in the eyes of the court to be allowed to operate in favour of the rest. They were adjudged to die the death of traitors. It was impossible to believe them guilty. The queen, in particular, was persuaded of their innocence.\* It became even a subject of debate in the council whether their lives should not be spared. But it so happened that just at this time her majesty was receiving the addresses of the Duke of Anjou. The prince's suit was received with favour; but then he was a Papist, and the pulpits of the Reformers rang with the old cry of *the Church in danger*. Something, it was felt, must be done. The fanatics must receive some sensible proof of the inflexible orthodoxy of the lady. And Campian and his companions were ordered for exe-

\* "Plerosque ex misellis his sacerdotibus," says Camden, "exitii in patriam conflandi conscios fuisse non credidit."—An. ii. 380. Dr. Cardwell, in the note observed upon, makes another false charge against the "Romanists" of this period, whom he roundly accuses of giving encouragement to insurgents. As the Dr. offers no proof, his accusation is unworthy of further notice.

cution, that the head of the Protestant Church might continue to coquet in comfort. Well might Camden say, with respect to the Catholics of this time, that "innocence the most circumspect was no protection." A system of the most fearful espionage pervaded the length and breadth of the land. "Emissaries" (I still quote from Camden) "were distributed in all directions, to pick up every idle tale, and seize on every unguarded word." "Forged letters from the queen of Scots or the exiles abroad were secretly conveyed into Catholic houses, in order to involve the proprietors in some treasonable charge." And "no kind of informer, no matter how deep dyed, was rejected." Of these Nichols, as he is connected with the trial of Campian in quality of chief informer, will afford us a specimen.

This person was originally a Protestant; subsequently abjured his religion, to gain admittance into the seminaries; was thence expelled for misconduct; returned to England; was taken, sent to the Tower, and there forced, by terror of the rack, to give evidence against such persons as Sir Owen Hopton (who, it will be recollected, was immediately after made a high commissioner) chose to insert in his depositions; though, as he subsequently confessed, the names of several of them were previously unknown to him. He crowned all his other merits, by publishing a book replete with calumnies against the pontiff and the seminaries, all which depositions and calumnies he lived to retract. This worthy soul was rewarded for his services by the Reformed bishops with a pension of £50 a-year; at the *request*, however, of the court, for their lordships were not much given to acts of voluntary munificence, even to informers. "Alas!" says Nichols, in his apology for having shed innocent blood, "it is not, I assure you, a

pleasant thing, for the body to be stretched on the rack till it becomes two feet longer than nature made it." But I digress too much.

In the edifying contest between humanity and the nation on one side, and cruelty and her majesty's commissioners on the other, the people so far succeeded as to suspend, or at least render the application of torture more rare in the *public* prisons. On the other hand, the royal clemency so far condescended to the gratification of its servants, as to allow them to torment their victims in the *private* dwellings of their pursuivants; and these pursuivants will accordingly now demand a very brief notice.

They were the principal instruments of the High Commission Court, and, in general, men of broken fortunes and bankrupt trade, who, when the ordinary channels of honest industry were dried up, found it convenient to turn *catch-poles*, as the people styled them,—that is to say, instruments for carrying the terrors of the most iniquitous code on the face of the earth into the once happy homes of the most ancient and venerated in the land. Not content with the legal severities they were hired to inflict, these coarse ruffians usually super-added a supplemental measure of insolence and wrong that was all their own. I do not mean that they were uncoun tenanced by their employers, the commissioners. On the contrary, these functionaries frequently adopted no other mode of rewarding their agents of oppression than by abandoning to their rapacity the victims of persecution. It was quite a usual thing with them to bestow the prisoners for religion on their retainers, that they might make what they could of them; for the Catholics, if possessed of any substance, were obliged to suffer imprisonment "upon their proper costs and

charges.”\* “They buy and sell Catholics,” says a writer quoted by Mr. Tierney,† “like calves in the market; and if they be in prison, their best course to get out is, to seek to be the pennyworth of some catch-pole, who, for a reward of his service, is often permitted to have the sale of some prisoner’s liberty.” This, however, was but one way of trafficking in Catholics’ misery, and I can only refer you, for want of time, to the work whence the preceding citation is taken, for fuller details. We may easily imagine then the zeal and alacrity with which these hungry wolves would set forth upon their mission, to hunt over the side of a country in quest of Catholic recusants and *massing* priests. The accounts that have reached us of these searches are appalling. Usually in the middle of the night, the beacons of the country fired, and some hundreds of desperadoes, headed sometimes by the “Reformed” ministers themselves, sallying forth over a county, sometimes over several counties, and then separating in bands of five, six, and seven score, horse and foot, to assail the Catholic gentry’s houses, into which, if not immediately admitted, they break open, bursting at once into the several apartments, even the ladies’ rooms, not sparing to search the very beds in which they lie, perhaps in childbirth, and with their swords too, under pretence of looking for Agnus Dei’s, beads, altar plate, and similar implements of treason. You will not be surprised to hear that ladies of distinction should have lost their reason, like Mrs. Vavasour, or their lives, like Lady Nevil, through fright. No priests, or persons suspected of being priests, being discovered, the next proceeding is to pierce the wainscot with their swords, tear up the floors, untile

\* Lodge, ii. 371.

† Dodd, iii. 81.

the house, sound the walls, unceil the rooms, throw stones down the chimneys,—in short, recur to the most violent expedients, to discover those secret hiding places which were in those days the necessary appendages of every Catholic mansion. Should no priest (the principal object of their search, since the discovery would entail on the unfortunate proprietor harbouring them loss of lands and liberty and life) be yet detected in this way, a regular siege commences. Persons are placed outside to watch all the avenues; while within, the whole family are locked up in a small corner of the mansion, the remainder of the house being subjected to the strictest search for vestments, chalices, and particularly Agnus Dei's, because the possession of these last was punishable with confiscation of property and perpetual imprisonment. In this search, nothing is spared. Locks, drawers and desks, are broken open and rifled; and plate, linen, and every portable article of value, are unscrupulously appropriated, to console the searchers for their disappointment, and reward them for their zeal *in the service of religion*. The good wife at home, who is calculating her gains all this time, would look frowningly upon her good man if his knapsack were less richly laden than usual. In this way they keep possession for several days, until at last the hidens are either detected by ill-repressed coughing, or constrained by hunger or sickness to come forth from their confinement. To avoid this danger, which in several cases proved fatal, it was deemed safer and more eligible by many to take to the woods and caverns of the earth, and dwell with the toad and the lizard, more hospitable than man. Bivouacking in this way for weeks and months together, ladies of distinction have been forced to give birth to their little ones in sorrow, with persons at the doors of their tem-

porary huts, on the watch for the approach of the enemy. Yet even better so, than trust to the humanity, or rather inhumanity, of those ruthless zealots, and run the risk of being treated as was Mrs. Fultrop.

This was "a Catholic gentlewoman, who being in travail with child, the midwife being with her, and having sent one of her maids into the town, to call for the company of wives, to assist her at that time of extremity and danger, the searchers, in the meantime, coming and besetting the house, would neither permit the wives, nor yet the maid that was sent to call them, to enter in to help her mistress: the gentlewoman, labouring without sufficient company, was glad to use the help of such persons as she had of her own, and, God assisting her, she was delivered of *two* children; and after, the searchers, threatening to burst open the door where the gentlewoman was, were let in, searched her chamber, not sparing the very bed where she lay, thrusting their swords into the same, and frightening the poor gentlewoman in such sort that she never recovered her perfect health, but died not long after. And because they would not have the innocent children to escape *their* part of misery, they made the father enter into a bond of a great sum of money, to cause them to be carried into the heretics' church, and to be christened by a minister in contempt of their mother's religion."\*

\* Holtby's letter, in Tierney's Dodd, iii. 91-92. Most of the circumstances narrated in the text will be found authenticated in that letter, and the notes appended. "Many women with child," says one of these notes, "have been delivered before their time, to the danger of themselves and their children, by the sudden and violent frights of pursuivants, who, like pitiless furies, rage everywhere alike, without compassion, or care of the diseased." See in Lodge, ii. 373, a similar instance of the cruelty of these pursuivants, in dragging a Mr. Fenton to prison before his daughter's eyes, and she in her confinement.



These, then, were the remorseless wretches to whose zeal and discretion it was now entrusted to apply that torture which was, in great measure, discontinued in the Tower. "Because," says Verstegan, "the often exercise of the rack in the Tower was so odious, and so much spoken of, of the people, Topcliffe hath authority to torment priests in his own house, in such sort as he shall think good; whose inhuman cruelty is so great, as he will not spare to extend any torture whatsoever." "They torture those that be taken," says the writer to Verstegan, quoted by Tierney, "with manacles, in which some hang *nine* hours together; all their body being borne upon their hands, so that oftentimes they swoon upon the torture and are hardly recovered, and yet oftentimes hanged up again. They whip priests naked, as they did Mr. Besley and Mr. Jones, in such cruel sort, that the persecutors themselves said they had charms, to endure so patiently such tortures. Topcliffe useth to keep them from sleep, by watching them till they are almost past their senses, and half beside themselves, and then beginneth to examine them afresh in that impotent mood. Some, as namely Mr. Jones, was tormented in Topcliffe's house \* \* \* \* (decency, says Mr. Tierney, compels the omission of the passage); so filthy and shameless is their cruelty.....If they confess not enough in their tortures to make their arraignments the more odious, then they work while they are in prison by suborned spies, that shall pretend friendship, and seem to pity their case, and offer their help to carry letters, messages, &c., of purpose to entrap them, to know to whom they resorted and what they have, &c."\*

\* Tierney's Dodd, iii. 117, note. The same authority gives instances of informers being instructed to feign themselves Catholics,

The Topcliffe here mentioned was “the noted pursuivant,” whose name became so identified with cruelty, that to express in the most eloquent way the sufferings of the victims of persecution, it was usual to say that they were *Topcliffeized*. Yet this man (?) was one of the most distinguished and respectable, in the worldly sense of the term, of his day. He was the companion of the queen in her progresses, the familiar correspondent of the proudest in the realm, and the confidential agent of the high commissioners and bishops,\*—one to whose cordial detestation of Pope and Popery they felt they might safely commit the delicate task of torturing the *massing* priest with due secrecy and care. An anecdote regarding this puritanical persecutor may not be out of place. I omit that which occurred in 1578, when he was the queen’s companion in her progress to the north, and witnessed with an ecstasy of delight the commitment of young Rookwood to gaol, as “a notorious Papist,” after having exercised hospitality to her majesty and suite, himself among the number. I omit it, because you have no doubt already perused it in the pages of Dr. Lingard.† That which I am now about to narrate took place some twenty years after, viz. in 1594.

In that year, Topcliffe brought an action at the Michaelmas term for the recovery of a bond of £5000, passed to him by the nephew of Sir Thomas Fitzherbert, on condition that he (Topcliffe) would prosecute under the penal laws young Fitzherbert’s father and uncle, together with a Mr. Basset, being Papists, to death.

The parricidal wretch’s object would seem to be to get

and go to confession even, in order to have evidence of their victims being priests.

\* See Lodge, ii, 186.

† Hist. viii. 139, note.

possession of his victims' property. The two former died natural deaths; when Topcliffe brought his action for the recovery of the stipulated sum. To this Fitzherbert pleaded, that he should not be called on to pay, as his father and uncle were allowed to die in their beds, and Basset, the third, was still in prosperity. Topcliffe was non-suited; but not without satisfactory evidence on the part of the queen's attorney and Basset, that he did his best to fulfil his engagement. The case, however, being too bad for open profligacy, "the matter was put over to secret hearing, *where Topcliffe had the upper hand.*"\*

Alas! my Lord, when a wretch of this kind could come into a public court, to insult the majesty of Justice in her own temple by such a plea, and not be ordered into the felons' dock to answer for his life, what a tale does it not tell? No, certainly. No man becomes a demon all at once. *Nemo repente fit pessimus.* And how many widows' tears and orphans' groans must have preluded to that scene of shameless and abandoned turpitude? How many sighs, from hearts broken in silence and wrung with anguish, must have secretly gone up to that God, whose hallowed name had been blasphemously assumed to lend a sanction to these deeds of horror; for it was the fashion to call cruelty to Papists, "serving God with great zeale and comfortable examples." And did the wretch lose caste by his proceeding? Was he less welcome to the palace, the commissioner, or the prelate? Was he less frequently employed as their agent *to enforce godly discipline*, and produce conformity? Did he even lose his accursed reward—the price of innocent blood? Are we not told that the matter was put over to a *secret hearing, where Topcliffe had the upper*

\* Tierney, Dodd, *ib.* 80, note.

*hand?* The vile being, then, knew well what he was about, and by whom he would be supported; and the event, it would appear, justified his confidence.

Wonder, then, ceases, and indignation subsides into pity, when we read of such sufferings as those of Lady Constance Foljambe, committed to custody for two years, though broken down with age and infirmities; and when at length released, at the expense of some compliance, that must have wounded her conscience, deprived of her "living goods and chattels" by her conforming step-son, Sir Godfrey, and left, as she touchingly expresses it, "utterly destitute in her very old age." And all this, because he was a remorseless renegade, and she a steady adherent to the faith she had been taught from her childhood to revere. The fellow seems to have been a hearty proselyte to the "reformed" doctrine of "*faith without good works*." What though he was an unnatural son? All was fish that came to this Church's nets; and though he robbed his father's aged widow, and left her "utterly destitute in her very old age," he was not the less an orthodox and "pleasant" child of the Church.\*

Think not, my Lord, that these severances of the ties of nature were an unusual or accidental result of the vile system of which the High Commission Court was the animating principle. These commissioners forced the husband to denounce the wife of his bosom, and present her to the magistrate to receive the penalty of her recusancy, when even he himself was conformable. No merit, no zeal even in orthodox persecution of the Papists, could procure a relaxation of this infamous code. The consequence was, that the charges of their wives in prison became so oppressive and so wasting,

\* See the original letters on this subject, with editor's notes, under date 1587, in Lodge's "Illustrations."

that the husband sometimes became the persecutor of his own flesh and bone; and thus, in defiance of God's law, did this Ecclesiastical Court "separate what God had joined," and teach the husband to *hate*, where the Gospel commands that he should *love* his wife. In prison these ladies were kept separate, lest they should console and support each other. If, through the exertion of their husbands, they were allowed to return to their homes, when near their confinement, it was always under the severest conditions; as in the instance of Mrs. Holtby, who, when sufficiently recovered from a disease contracted in prison,—an almost inevitable consequence of that punishment,—was compelled by her husband, who had bound himself under a heavy penalty, to attend the service of the Church, which so preyed upon the poor creature, that she was hurried into premature confinement.

I have said that disease was an almost inevitable consequence of incarceration. This leads me to add a word upon this portion of the sufferings of Catholics under the High Commission, with which I will close this already too long reading.

The punishment of imprisonment was a very different sort of thing from that which is implied by the term as used in these days. It was always aggravated by subsidiary horrors, arising in part from the filthy and unventilated state of the prison, and in part from the brutality of the gaolers; insomuch, that death was not unfrequently the result, and was no doubt hailed as a release from such wasting torture. In the Castle of York, not fewer than twenty Catholics of family and fortune perished in this way: while in 1580, a similar fate befel the Catholics in Newgate.\* The most re-

\* Lingard, viii. 141.

markable instance, however, occurred in 1577, which seems worth relating.

In that year, one Jenks, a Catholic bookseller of Oxford, was ordered by the University convocation of the previous May to be imprisoned, put in irons, have his goods seized, and be himself presented for trial at the ensuing gaol delivery, for some words uttered in disrespect of the "Reformed" religion. He was accordingly arraigned on the 6th of the next July, and sentenced to have his ears nailed to the pillory, from which he was to release himself, (I shudder as I narrate), by cutting them off with his own hands. No sooner was the sentence pronounced, than forth there issued, apparently from the ground, a pestilential vapour, so fatal, "that Death itself, you might say," observes the Oxford historian, "sat on the bench, and by her definitive sentence put an end to all the causes." The jury who gave in the verdict of guilty were choked. The two judges, the sheriff and under-sheriff, Sergeant Barham, the son and heir of both attorney and solicitor-general respectively, four magistrates, and hundreds of spectators were suddenly seized with a violent sickness of head and stomach, followed by delirium; and in thirty hours they were no more. All that could escape, even the physicians, fled; and Oxford became a solitude. On the rich it had no mercy. The poor it almost universally spared; the women and children altogether so: while the disappearance of this distemper was as sudden and mysterious as its origin. Now, not to think such a visitation a visible judgment from God, is hard; but taking it upon the lowest grounds, that it was produced (as suggested by the *Protestant* writers) by the fetid exhalations of the prison disengaged from the clothes of the prisoners, what a cruel infliction must not such prisons



have been upon the unfortunate inmates? And yet, so densely thronged did these prisons become, through the activity of the High Commission Court's pursuivants, that so many as four and sometimes six hundred recusants have been presented at a single assize; and the counties at last had to remonstrate with the government against the expense.\* It now becomes intelligible why men, like Mr. Hallam, should speak of "the blood-thirsty bull-dogs of the sixteenth century;" or, like Sir James Mackintosh, should say that the Reformers "seem to have steeped the Scriptures in blood;" and Dr. Cardwell may, perhaps, detect some little difference between "the tempers" of the Marian and Elizabethan bishops.

I own that when first I read Hume's description of this dreadful tribunal, I thought it must have been an exaggeration; and knowing how little reliance could be placed upon that writer's unsupported assertion, I determined to investigate and decide for myself. The result I have in part laid before you. And scant and imperfect though it be, it fully substantiates all that that historian has said. I cannot, therefore, do better than sum up in his words: "Three commissioners made a quorum; the jurisdiction of the court extended over the whole kingdom, and over all orders of men; and every circumstance of its authority, and all its methods of proceeding, were contrary to the clearest principles of law and natural equity. The commissioners were empowered to visit and reform all errors, heresies, schisms; in a word, to regulate all opinions, as well as to punish all breach of uniformity in the exercise of public worship. They

\* Strype, Ap. 98, Ann. iii. 478. "A most plentiful detection," says this writer, exultingly, "of six hundred recusants by oath presented." They had hard swearing.

were directed to make enquiry, not only by the legal method of juries and witnesses, but by all other means and ways which they could devise; that is, by the rack, by torture, by inquisition, by imprisonment. Where they found reason to suspect any person, they might administer to him an oath, called *ex officio*, by which he was bound to answer all questions, and might thereby be obliged to accuse himself or his most intimate friend. The fines which they levied were discretionary, and often occasioned the total ruin of the offender, contrary to the established laws of the kingdom. The imprisonment to which they condemned any delinquent, was limited to no rule but their own pleasure. They assumed a power of imposing on the clergy what new articles of subscription, and consequently of faith, they thought proper. Though all other spiritual courts were subject, since the Reformation, to inhibitions from the supreme courts of law, the ecclesiastical commissioners were exempted from that legal jurisdiction, and were liable to no control. And the more to enlarge their authority, they were empowered to punish all incests, adulteries, fornications; all outrages, misbehaviours, and disorders in marriage: and the punishments which they might inflict were according to their wisdom, conscience, and discretion. In a word, this court was a real *inquisition*; attended with all the iniquities, as well as cruelties, inseparable from that tribunal. And as the jurisdiction of the ecclesiastical court was destructive of all law, so its erection was deemed by many a mere usurpation of this imperious princess; and had no other foundation than a clause of a statute, restoring the supremacy to the crown, and empowering the sovereign to appoint commissioners for exercising that prerogative. But prerogative in general, especially the supremacy, was supposed

in that age to involve powers which no law, precedent, or *reason*, could limit and determine.”\*

Now to apply all this to my subject—the enslavement of the Church to the State—I have already pointed to some particulars, in which this tribunal manifests that enslavement;—in being established by the secular power; representative of the secular power; pre-eminent, notwithstanding, over all Church-courts, itself the *paramount* Church-court; stripping the bishops that were its functionaries of their episcopal authority *pro tanto*, and controlling, without appeal, every bishop and Church authority in the land, in all that related to spirituals. All this has been observed. Add now, that it was a mere state engine for state purposes; called into exercise whenever, and for whatever particular services, the State might please. Indeed, religion itself was in those days but a branch of the State-service. The very altars reeked with incense to the deity on the throne. “O Dea certe!” cried out the prostrate episcopacy of this Church, as it approached in humblest and most abject guise the awful lady, to solicit the release of their *primate* from the censure of suspension which *she* flung over him,—and solicit in vain. This is historic fact, not poetic imagining. They literally called her a “goddess,” “most holy,” and “a virgin;” and certainly if she was one, she was all.

This has been fully acknowledged by Archdeacon Robert Wilberforce, who, in his late pamphlet on *Church Discipline*, cites an instance of the Anglican prelates being ordered by the court to unsheath the sword of excommunication, now indeed a *two*-edged sword, armed alike with the terrors of this world and the next,

\* How irreverently this writer treats the Protestant article of faith!

and to compel the entire population to receive communion in their churches according to the latest pattern approved by Parliament. And why? Because Elizabeth suspected, or affected to suspect, one of those numerous conspiracies which were, in most instances, hatched in the Court itself. The bishops most dutifully complied; "afraid," as one of them declares, "to incur extreme danger."\* Discipline (so it was called) was enforced; and the people were driven to a hypocritical participation of a mystery that should be holy, in order to testify their loyalty, not to the King of Heaven, but to the quaking queen of England. What a talent this blessed thing called Reformation has had for desecrating every hallowed institute! "That," says the Archdeacon, "which had been designed for the benefit of individual Christians, became perverted into a mere pillar of government. The rights of conscience were mercilessly infringed, *not even under the pretence of zeal, but as mere matter of policy*. What, by origin, was divine, was, by use, grown into a part of kingcraft." "Its (discipline's) origin," he observes in another passage, "was the institution of God; it became the *slave* of human policy." Yes; I will add, and the most degraded of slaves, for it had the filthiest work assigned it. You remember the message sent to Whitgift from the court to put the Catholics to torture, to know where they heard mass. "Its true object," resumes Mr. Wilberforce, "is the

\* A slave is ever the fittest instrument to enslave others. Accordingly, Parker and the commissioners constrained every clergyman who had the cure of souls to *swear* obedience: 1st, to all the queen's injunctions and letters patent; 2ndly, *to all letters from the lords of privy council*; and 3rdly, to every *lay* and spiritual authority in the country, *down to the common "somner" or process-server!* See Neal, i. 144, or Strype's Parker, i. pt. ii. 132, Oxford.

salvation of souls. But the security of the State has been the end proposed to it. For the spiritual sanctions that should attend, it has been guarded by the doubtful weapons of human coercion. Instead, therefore, of being hailed as the friend, it has been dreaded as the destroyer, of social peace. As God's ordinance it was the greatest blessing, as man's enactment it became the most intolerable curse." And this, please to remember, was not the work of time, which will taint and vitiate the purest and the best. This was the boasted *Reformation*, in its nascent and most vigorous hour. The Reformation, in the hands of its originators and heroes, bearing on its front the solemn and authentic sanction of the Church's congregated wisdom! Yet this Church can tell us, in her homily for Whitsunday, that the *right use* of this same discipline is one of the three notes or marks of the true Church. If so, I am afraid the Church of England can prefer but slender claims to that august title. For it is now plain that a more *abused* thing never existed, than this said discipline of the Anglican Church. At length it fell—this High Commission Court. Not, however, in consequence of any virtuous attempt at reform on the part of the Church's ministers, but of the indignant outbreak of an oppressed people, maddened beyond endurance. In its fall it dragged after it that royalty it was meant to support, and that prelacy that were its most ardent administrators; and "no portion of the national institutions," concludes Archdeacon Wilberforce, "was then more rudely or more reasonably assaulted."\*

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\* Church Courts and Church Discipline, pp. 16, 18, 40.

## LECTURE VII.

## PAST CONDITION OF ANGLICAN CHURCH COURTS, CONTINUED.

WE have followed, my Lord Archbishop, the High Commission Court to its ignominious close. It fell a victim to the summary justice of an outraged and indignant people, and its very name is to this hour a term of infamy and reproach. It left behind it Church Courts of an inferior rank; and these now claim our attention.

This portion of our subject we shall, like the last, usher in by referring to another act of Parliament, the 37 Henry VIII, c. 17, and for a similar reason,—that it was framed expressly to give efficiency to the Act of Submission, and provide with greater security for its observance; so that it, in reality, is supplemental to that act, and is, to all intents and purposes, a portion of it. It is given in Burn (ii. 42); and though somewhat lengthy, I must reluctantly trouble you with it; for as it will call for some observations, it would not do to curtail it. It recites as follows:

“In most humble wise show unto your highness, your most faithful, humble, and obedient subjects, the lords spiritual and temporal and the commons of this present Parliament assembled, that where your most royal majesty is, and *hath always justly been by the word of God* supreme head in earth of the Church of England, and hath full power and authority to correct, punish, and repress all manner of heresies, errors, vices, sins, abuses, idolatries, hypocrisies, and superstitions, sprung and growing within the same, and to exercise all other manner



of jurisdiction, commonly called ecclesiastical jurisdiction; nevertheless, the bishop of Rome and his adherents, minding utterly as much as in him lay to abolish, obscure, and delete, such power *given by God* to the princes of the earth, whereby they might gather and get to themselves the government and rule of the world, have in their councils and synods provincial made divers ordinances and constitutions, that no lay or married man should exercise any jurisdiction ecclesiastical, nor shall be any judge or register in any court, commonly called ecclesiastical court, lest their false and usurped power which they pretended and went about to have in Christ's Church should decay, wax vile, and of no reputation, as by the said councils and constitutions provincial appeareth, which standing and remaining in their effect, not abolished by your grace's laws, did sound to appear to make greatly for the said usurped power of the said bishop of Rome, and to be directly repugnant to your majesty as supreme head of the Church and prerogative royal, *your grace being a layman*; and albeit the said ordinances and constitutions, by a statute made in the five-and-twentieth year of your most noble reign, be utterly abolished, frustrate and of none effect, yet because the contrary is not used nor put in practice by the archbishops, bishops, and archdeacons, and other ecclesiastical persons, *who have no manner of jurisdiction ecclesiastical, but by and from your royal majesty*, it addeth, or at least may give occasion to some evil-disposed persons to think, the proceedings and censures ecclesiastical made by your highness and your viceroy, officials, commissaries, judges, and visitators, being also lay and married men, to be of little or no effect; but for as much as your majesty is the only and undoubted supreme head of the Church of England, to

whom by *holy Scripture* all authority and power is wholly given to hear and determine all manner of causes ecclesiastical, and to correct vice and sin whatsoever, and to all such persons as your majesty shall appoint thereunto. In consideration thereof, as well as for the instructions of ignorant persons, as also to avoid the occasion of the opinion aforesaid, and the setting forth of your prerogative royal and supremacy, it may therefore please your highness that it may be ordained and enacted by authority of this present Parliament, that all and singular persons, as well lay as married, being doctors of the civil law, lawfully create, and made in any university, who shall be appointed to the office of chancellor, vicar general, commissary, scribe, or register, may lawfully execute and exercise all manner of jurisdiction, commonly called ecclesiastical jurisdiction, and all censures and coercions appertaining, or in any wise belonging to the same, albeit such person or persons be lay, married or unmarried, so that they be doctors of the civil law, as is aforesaid; any law, constitution or ordinance to the contrary notwithstanding."

The act just recited, and which is to this moment in force, demands one or two observations.

In the first place, my hearers cannot fail to have remarked the disgusting flippancy, the irreverent, off-handed style, in which the authority of the Sacred Volume is introduced more than once in this dogmatic act of Parliament. "Your most royal majesty," it says, "is, and has always justly been, *by the word of God*, supreme head in earth of the Church of England." I need not say that a word about Henry, or his headship of the Church of England, does not occur, either expressly or by implication, from Genesis to Revelations. But, resume these Parliamentary theologians, "To

your majesty *by holy Scripture* all authority and power is wholly given to hear and determine all manner of causes ecclesiastical," &c. &c.; "*and to all such persons as your majesty shall appoint thereunto.*" One is perfectly astounded at the reckless blasphemy here exhibited, when this *ex cathedrá* Parliament must have known that in no one page, passage, or paragraph of the Sacred Volume, is there the least word to indicate that the *plenitude* (no less) of spiritual jurisdiction resides in the temporal monarch, and not only in him, but in all sorts of persons, lay or clerical, a Bolingbroke though he be, (no imaginary case) whom the monarch may select for that purpose; and that all such persons, no matter what their other qualifications, may, by mere appointment of the crown, be made capable of the whole spiritual control of Christ's Church,—that Church which he died to purchase with his blood! The profanity of this and similar acts of Parliament shews the extent to which men's minds became debased in the sixteenth century by the progress of Reformed opinions; *for these were Reformed opinions; opinions, immediately afterwards, upon the accession of Edward the Sixth, expressly recognized and actively enforced by no less an authority than that of Cranmer and his associates.*

It was upon these Scriptural grounds, which each one is left to make out as he can, or, as the statute phrases it, "in consideration thereof," that the act was drawn up—so say these legislators—"for the instruction of ignorant persons."

The haughtily insolence of this! Fit adjunct to the minds where irreverence and impiety reside! The people, it seems, did not precipitate themselves with headlong recklessness on the down-hill slopes of innovation, and hasten to confound things human and divine;

and forthwith they are to be branded with the reproach of ignorance; and a law that should commend itself to their docility by its moderation and decorum, is made the vehicle of insult to a nation's feelings, from minions that a nation's suffrages had made! But why should we think they would respect the people, when they did not know how to respect their God? One thing they have made plain. Men could not be brought, in the sixteenth century, all at once to believe that his highness on the throne could be the divinely constituted depositary of all spiritual jurisdiction. How is the difficulty got over? Certainly, in a way that is at all events entitled to the praise of ingenuity,—by enacting that not only the king, but every layman his majesty might happen to fix on, should, in spite of what the world might think, be held capable of all ecclesiastical jurisdiction whatsoever; and all, too, by the same divine right. It cost these legislators but little to dispose of divine right.

Upon the passing of this act, laymen rushed upon the ecclesiastical benches, which they have ever since occupied, as help-meets to the bishop, under the name of chancellors, governing the diocese and the clergy, with the bishop, by a jurisdiction recognized by the law, as equally ordinary with that of the bishop; and one with which the bishop is not permitted to dispense. The chancellor, layman though he be, must be appointed. The diocese—so says the law—cannot be governed without him. He is *oculus episcopi*; and the bishop, if not aided and supported by his lay chancellor, is but a blind guide,—an insufficient governor. Thus, regulated by the same law, held by the same tenure, secured by the same sanction, his (the chancellor's) is, equally with the bishop's, an essential part of Church government. His

overseership, inferior perhaps in dignity, but certainly superior in jurisdiction, is co-extensive with that of the bishop; ranging over the entire extent of the diocese, and embracing within its operation clergy and laity alike; and, in certain cases, clergy of the highest rank—I mean bishops. In this exposition of the law, Godolphin, Ridley, and the canonists generally, are agreed. See then what important beings these lay-spiritual functionaries are. Now for their jurisdiction.

“It is only through courts so constituted,” says a high authority, the present Bishop of Salisbury, speaking of the Church courts in his late visitation charge to his clergy,\* “that whatever power of spiritual discipline exists in the Church, is capable of being exercised.” “As matters now stand,” he continues, “it is only by means of these courts that spiritual offences can, in any manner, be visited by the censures of the Church; or, that, as a last resource, unworthy members can be cut off from the fellowship of the body of Christ.” But cannot the bishops and clergy excommunicate? No. What! not cut off from the communion of the faithful, if they deem it necessary? not protect their people from the contagion of scandal? No. Not inflict any censure whatever? No; not the least. *It is the lay-chancellors and officials* must do it all. But if the clergy cannot visit laymen with just censures; at least these laymen cannot inflict censures on the clergy? Quite a mistake. The laymen can, and do, censure their pastors. For this, too, is an improvement by the Reformation. It forms an item in the celebrated sixteen-article petition before alluded to, and presented by the Commons to the

\* Page 29.



Lords in the session of 1584-5. "Ministers," they complained, "openly disgraced by officials and commissaries, who daylie call them to their courtes, to answeare complaynts of their doctrine and lyfe, or breache of ordres prescribed by the ecclesiastical lawes and statutes of this realme."\* Yet that cause of complaint remains to this hour, and that yoke of subjection this "independent" Church has never yet been able to cast off. Within the last few years we have seen its workings exemplified in more than one instance, to which we shall have occasion hereafter more particularly to advert. Meanwhile we shall learn what we are to think of this state of things from the bishops of this Church themselves. For we prefer leaving the comment where probably it will be least suspected, rather than take it into our own hands.

"It is one of the most essential parts of a bishop's duty," says Bishop Bedel, as reported by Burnet, "to govern his flock, and to inflict spiritual censures on obstinate offenders, and he can no more delegate this power to a layman, than he can delegate a power to baptize and ordain." "If there be anything," says Bishop Crofts,† "in the office of a bishop to be challenged, peculiar to themselves, certainly it should be this (inflicting and removing censures). Yet this is, in a manner, quite relinquished to their chancellors; laymen, who have no more capacity to censure or absolve a sinner, than to dissolve the heavens or the earth. And this pretended power of the chancellor is sometimes purchased with a sum of money. Their money perish with them! Good God! what a horrid abuse is this of the Divine authority! But this notorious transgression is

\* Strype, Annals, iii.

† Naked Truth, page 58.



excused, they think, by this, that a minister, called a bishop's surrogate, but who is indeed the chancellor's servant, chosen, called, and placed there by him, to be his crier in the court, no better;—that when he (the chancellor) hath examined, heard, and sentenced the cause, then the minister, forsooth, pronounces the sentence. Just as if the rector of a parish church should exclude any of his congregation, and lock him out of the church; then comes the clerk, shews and fingers the keys, that all may take notice that he is excluded. And by this authority the chancellor takes upon him to sentence, not only laymen, but clergymen also, brought into his court for any delinquency; *and in the Court of Arches sentence even bishops themselves.*"

Thus then stands the case. The entire body of a Church's discipline is, and has been from the beginning, in the hands of laymen, the nominees of laymen. It is theirs to wield her censures; exclude from her membership; dictate the terms of her communion; repel from her sanctuary, or admit to her sacraments; and absolve the sinner with sovereign and independent control: while her ministers are not unfrequently arraigned at their bar, awaiting at their hands the sentence that is to regulate, perhaps to suspend, their functions; to excommunicate their persons; and to dictate the law upon the doctrines they are to teach, and the observances they are to inculcate. And all this time her bishops (if they be so fortunate as themselves not to be dragged to account by these laymen) must stand by and fold their arms in silence, nor dare to interfere, however much their judgments may disapprove, till called in; not, indeed, to sanction, *that* is above their power, but to execute the behests—the spiritual behests of these lay authori-

ties. And this is discipline! And this a Church! And this Church has had the fatuity to tell her people that the right use of discipline is one of the three notes or marks of the Church!

Yet, scandalous and disgraceful as this make-believe discipline is; utterly at variance with the very first notions of a Church; and reduced in practice as it is confessed to be, to a shadow—a mere theory; it is at this moment doomed, and totters to its fall. But before we explain, let us first see a little more about these chancellors, and how they were wont to obtain their appointment. The process is thus described by an episcopal writer of the last century:

“It (the court) was managed by a chancellor *that had bought his place from his predecessor*, and so thought he had a right to all the profits he could raise out of it; and the whole business of the court seemed to be nothing but extortion and oppression. For it is an old observation, that men who buy justice will also sell it. Bribes went about almost as barefaced; and the exchange they made of penance for money was the worst sort of simony, being, in effect, the very same abuse that gave the world such a scandal, when it was so indecently practised in the Church of Rome, and opened the way to the Reformation: for the selling of indulgences is really but a commutation of penance. The officers of the court made it their business to draw people into trouble by vexatious suits, and to hold them so long in it, that for three pence worth of the tithe of turf they would be put to five pounds’ charge. And the solemnest and sacredest of all the Church’s censures, which was excommunication, went about in so sordid and so base a manner, that all regard to it, as a spiritual censure, was lost;

and the effect it had in law, made it, to be cried out on as a most intolerable piece of tyranny.”\*

Is this the description of a satirist—an enemy of the establishment? No. It is from the pen of her own professed apologist, the celebrated Bishop of Salisbury, Gilbert Burnet, in his “Life of Bishop Bedel.” And what a picture does it present to us? The holy ordinance of religion for the reclaiming of the sinner, familiarly and as a thing of course, made a matter of mercantile speculation and sordid traffic; nay, converted into an instrument of the worst of oppression—oppression of the poor! The rich took good care, from the beginning, that Church discipline, as these doings were impiously termed, should not reach them.† But alas! for the poor; they were friendless and unable to befriend themselves. They were, accordingly, abandoned to the merciless rapacity of the Church courts, that should have been their asylum and protection. Now and then, indeed, a feeble murmur of humanity might be heard; but with no other effect than to bear testimony to the unabated iniquity, as well as the insensibility of the Church to her own character, and the sufferings of her victims. The work of spoliation of the poor, under the name of commutation of penance, went on for centuries; the reclamations of the people, in and out of Parliament, were disregarded: the bishops opposing all attempts at reformation,—sometimes actively, as in their answer to the celebrated sixteen articles already mentioned,—more frequently by the *vis inertiae* of their unfeeling indifference.

\* Bishop Williams used to call it “the rusty old sword of the Church.”

† See Cox’s letter to Gualterus of Zurich. Burnet, Ref. iii. 464.

So that one of themselves, Archbishop Usher, is forced to exclaim: "Cœlum est venale, Deusque." And yet this could be called Christian discipline—that source whence were to flow the purifying streams which should irrigate and gladden the field of Christ's Church! And these, the moral governors of England's reformed faith, clutching the filthy lucre they had extracted from the vitals of the poor, and usurping the name of the Deity to consecrate and sanction the deeds that cry loudest to Himself for vengeance! Simony, and rapacity, and oppression of the poor, seated in the judgment-seat, whence was to be dispensed Heaven's own justice with Heaven's own lenient hand!

But after all, let us be just to the poor chancellors. It was their province to be *helpmeets* to the bishops. How, then, could they better work out their vocation than by walking in the foot-tracks, and reflecting the virtues of their spiritual principals? Now never did men adhere more faithfully to the models before them, than when they sought to enrich themselves by every devious and unscrupulous course, at the expense of religion and the Church. I speak principally of the age of the Reformation, when a holy indignation fired the breasts of the godly to resist and reform "the corruptions of the Church of Rome." I do not want you to take my word for it; turn to the pages of any writer of but ordinary candour—to the history, for instance, of Mr. Hallam, to which I refer you chiefly for its facility of access, and its superiority to suspicion on such a subject. "The bishops of this (Elizabeth's) reign," he says, "do not appear, with some distinguished exceptions, to have reflected so much honour on the established Church, as those who attach a superstitious

reverence to the age of the Reformation are apt to conceive. In the plunder that went forward they took good care of themselves: charges against them of simony, corruption, covetousness, and especially destruction of their Church estates *for the benefit of their families*, are very common; sometimes, no doubt, unjust, but too frequent to be absolutely without foundation.”\* The apologetic tone that tries to dilute this description, contradicted as it is by the history of the period,† but adds to the weight

\* Vol. i. p. 220.

† For instance, the preamble of the 13th Elizabeth, c. 10, attests the spoliation of Church property by the ecclesiastics. In 1572, Cecil, Lord Burghley, drew up a paper for the Convocation, headed: “Things needful to be considered, how to be ordered.” In that paper the ecclesiastical “abuses” to be reformed are mentioned under five heads, of which the fifth is thus worded: “The *whole* clergy would be restrained from alienation of their lands, and from unreasonable lessees, wastes of woods and grants of reversions and advowsons to any persons; and namely *to their wives and children, or to others for their use*. An inquisition would be made in the register books, what nombre of graunts have been made within these five or six years, to the disherison of the Church: and a resumption wold be made thereof by Parlement.” Another memorial runs in these terms: “The bishops and clergy to be reformed for their wastes of their patrimonies, the negligence and the abuse of pluralities and non-residence by unnecessary dispensations.” (Strype, Parker, ii. 205, Oxford.) The reformation here spoken of was not attempted. The year following, the council addressed a circular to the bishops, in which, reproaching them with their selfish indifference, they plainly tell their lordships that religion “be now, as is commonly said (the more is the pity), only used of you and your officers to get money, or for some other purpose.” (Doc. An. i. 352.) What other hierarchy in the world, pretending to retain its hold on the public respect, would submit to be thus addressed by a set of lay authorities? Yet they were not unfrequently thus taken to task by the queen and her servants. But the most amusing part of the story is, that Cecil, the principal person who

of the reluctant testimony it bears to the disgraceful fact.

Such then being the spiritual principal, would it be fair to expect greater purity in the lay helpmeet? Surely you would not have the servant to be above his master?—nor any man above the spirit of his age and associates? Rapacity, let it never be forgotten, was the order of the day. From the august lady upon whose haughty brow gleamed the tiara of the Church, down through every descending grade of archbishops, bishops, chancellors, officials of all name, to the meanest servant who raked for his perquisites in the sweepings of the Church courts,—all fell down before the same shrine. Mammon was the universal God; and every soul was a devout worshipper. And this was reformation! And the Church in whose name and by whose connivance, not to say protection, these deeds were done, could summon coolness enough to tell us in her homilies that the “*right use* of discipline was one of the true Church’s marks!”

But, perhaps, after all, I am taxing your credulity too much. Then question bishop Gibson, or Bacon, or bishop Andrews; or the very last writer on this subject,

thus rebuked their lordships, was himself a large dealer in the plunder of the Church. “During the vacancy,” says Heylin, 138, “of the see of Peterborough [that is, from the commencement of the Reformation in 1559 to the beginning of 1560], and in the time of Scambler’s [first Reformed bishop] incumbency, Sir William Cecil, principal secretary of state, possessed himself of the best manors in the Soake, which belonged unto it; and for his (*Scambler’s*) readiness to confirm the same to him, preferred him to the see of Norwich in 1584.” So that it was only Clodius at his old work of accusing his fellows. Yet well dared the episcopal slaves tell him so. It would not have answered their sordid views.



the archdeacon I have already mentioned, and who produced his book only the other day; or the debates in Parliament, and the acts in which they eventuated. For instance, bishop Gibson says: "It cannot be expected that a separation from the communion of the Church should affect the minds of sinners with any degree of terror and remorse, when they see persons of the most unblamable lives put into the very same state, by the very same hands, upon occasions merely civil and secular, in causes which wholly terminate in temporal profit, and have not the least reference to religion and the souls of men." "For excommunication," says Bacon, "to be used irreverently, and to be made an *ordinary process to lackey up and down for fees*, how can it be without derogation to God's honour, and making the power of the keys contemptible?" "Disciplina nostra jam solas crumenas pulsat," says bishop Andrews, "ut consuletur potius ovium attonsioni, quam attentioni, et fisco quam Christo." "It would be easy," says the writer (Wilberforce) from whom these citations are taken, "to produce similar complaints from every part of our history."

The hour of retribution at length arrived. The salt had lost its savour. What remained but that the words of Truth should be fulfilled, *and it be cast forth, and be trampled on by men?* Accordingly it was so. The civil power that had delegated the exercise of spiritual discipline to certain persons, whom it was convenient to call *the Church*, when she saw the use to which it was converted, snatched the wand of abused power out of the hands that polluted it, and snapping it in sunder, gave its fragments to the winds. This it did by a law passed in 1788; and afterwards more fully in 1812.

The circumstance that gave occasion to the last mentioned enactment (of 1812) is so characteristic, that I am tempted to trouble you with it.

A young girl in humble life had a dispute with a woman of low rank like herself, but of still lower habits, for she was the landlady of a place of no great odour. As usually happens in these vulgar broils, the girl placed no restraint upon her tongue, and in rather plain language reproached her antagonist with her disreputable life. The latter, in a fit of virtuous indignation, appealed to the spiritual courts, and “promoted [so runs the technical phrase] the office of the judge;” in other words, brought an action for defamation before the chancellor of the diocese against the girl. The fact imputed was, however, too notorious to be disguised. Notwithstanding which, the judge, having the fear of God before his eyes, and considering that he had to provide *for the health of the souls* of the parties before him, ordered the girl to declare that she had been guilty of an infamous calumny, and to restore to the worthy plaintiff that which she seems to have never had—her fair fame. The girl did not, perhaps would not, comply. What was the consequence? She was cut off by the lay chancellor from the society of the faithful; cast into a prison, to pine for three years among felons, and contract every moral stain such society must inflict; and should any of those ruffians assail her as the modest female most abhors to be assailed, she was debarred by the sentence from the smallest redress, and her oath could not be received in any court in the land against the veriest villain who pollutes it by his tread. And this, mark, was discipline. *And discipline well ordered is the mark of the true Church.* But if this unfortunate

poor girl had had the means, or, having the means, the disposition, to pay the court the fees demanded of her, she would have been immediately absolved, and as immaculate as that paragon of all rectitude whom the court was after vindicating from her aspersions. As it was, she was an outlaw. For poverty, in the eyes of the spiritual tribunals, is an unpardonable crime; or, as Blackstone has caustically expressed it, "the Church-courts seem to think that poverty [promoted by their exactions] is the best medicine of the soul."\*

My lord, it is, I should hope, unnecessary for me to say that the recital of these disgraceful facts gives me no pleasure. Were I even so possessed by the theologic virus that is sometimes attributed to polemical writers, the presence in which I stand would alone suffice to admonish me of better things. But, indeed, I have not so learned Christ. I do not rejoice at iniquity, come it from whatever quarter; my joy is only for the truth. And they are the sacred interests of truth alone that could compel me to lift for a moment the veil which religion and humanity would gladly allow to rest for ever over deeds that distress and dishonour both. But I am also aware that an all-ruling Providence has had its own wise purposes, in permitting such deeds to be done, and to be recorded. And among these, one of the most important unquestionably is, that in them the simple and true-hearted objects of its care should possess an easy criterion by which to test the pretensions of a novel Church, assuming to be called "divine." "By their fruits," says the Saviour, "you shall know them." And if a religion, pretending to reform and renovate a pre-existing one, shall, instead of convincing and con-

\* See Parliamentary Debates, ad annum.

verting the world by the exhibition, in the persons of its apostles and first proselytes, of every mild, and mortified, and engaging virtue, only seem to be a new theatre upon which to display all the fiercer and more sordid attributes of our nature, then must it be said that the Divine Being has been sadly wanting to His own work, or that religion could not be from God.

The history of the Anglican Church-courts seems eminently adapted to subserve the purpose of such a test. Presided over by laymen, assuming to be "the authorized expositors of the Church's views," controlling the functions, judging the actions, sentencing the persons of churchmen, wielding the Church's censures, yet themselves wholly unaccountable to that Church,—they are a violation of every principle of Church government: inoperative against the rich, they became partial and oppressive against the poor; defective in machinery, they were further crippled and embarrassed by the interference of the State. So far from correcting "scandals and abuses," they have been themselves, from the beginning, the most flagrant of scandals, the most crying of abuses; so offensive as to require to be abated, one after the other, as so many nuisances. The discipline they, and they alone, were empowered to administer, became polluted at its source, and thus have they destroyed the claim of the Church to which they belong, and which has proclaimed *that the right use of discipline is one of the true Church's marks* to be considered a Christian Church. They exhibit her in her true colours, as the bond slave, the creature of the State; doing the dirty work of tyranny, long as work was in her; and then, when worn out, and so covered with the leprosy of her misdeeds as to become a thing of loathing and scorn to the nation, flung aside with every circumstance of igno-

miny and opprobrium, to rot in the obscurer haunts of infamy, till she should sink, amid jeers of derision, into an early and dishonoured grave. "The spiritual court and the spiritual sentence, as at present administered," says Archdeacon Wilberforce, "have become so odious by the ingrafted influence of the worldly authority, that no remedy remains *save their total annihilation.*" Nay, he says, Church jurisdiction is already defunct, and lies stranded at the mercy of every surge, and exposed to the insult of every wanton that passes by:

"Jacet ingens littore truncus.

Avulsumque humeris caput, et sine nomine corpus."

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## LECTURE VIII.

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 ANGLICAN CHURCH COURTS—THEIR PRESENT CONDITION AND  
 FUTURE PROSPECTS IN REFERENCE TO THE CHURCH.

WE have passed, my Lord and Gentlemen, in historic review before us, the Church Courts of Reformed England. The question, then, naturally arises, what is their present position? what their future prospects in reference to Church interests? Fortunately for our purpose, this question is already engaging pretty general attention among the divines of the establishment, and thus we are enabled to adhere to a course we have hitherto prescribed ourselves—that of advancing nothing liable to the least controversy, save upon such authority as the staunchest and most orthodox churchmen must admit. The bishops of the establishment shall here, then, as before, be our vouchers for the statements we may have occasion to make.

Before, however, we commence, it may be as well to state the precise method we mean to adopt in treating the present question. Mr. Newman has, in his last published sermons, called attention to the now patent fact, that the notes of the Church are partly going and partly gone from the Anglican establishment. It is plain from the context, that it is of the notes laid down in the creeds, by which every churchman is bound to declare that he puts his faith in a Church that is *One, Holy, Catholic and Apostolic*, that the reverend preacher speaks. It is, to be sure, strange that he, Mr. Newman, should continue, as of course he does, to profess his belief in such a Church, when either it has no existence,



or, which makes the case worse, has no existence in reference to him. Being in this predicament, he is plainly inconsistent as often as he recites the creed; and thus "condemned of himself must be rejected."\* With Mr. Newman, however, we have, at present, no further concern, than to draw attention to the fact, that even he is forced to confess that the marks and notes of truth have passed away from his Church; even in the supposition (by no means an admitted one) that they ever resided in it. Now what is so plain as to be undeniable with regard to the notes as described in the creeds, I mean to demonstrate with regard to those other notes assigned by the Church of England, in her homily of Whit-Sunday, where she tells us that the badges of her truth and divinity are—soundness of discipline, purity of doctrine, and the sacraments administered according to Christ's institution.† These I intend to demonstrate to be wholly wanting in the existing Anglican Church; and that, moreover, through the operation of her own courts. It is, no doubt, a dishonest course to take the doctrine, discipline, and sacraments of a Church to be the marks and tokens of the truth of that Church. The object and utility of a note consists in its being more easy of recognition than the subject of enquiry of which it is given as the mark or note. If a person, for instance, wished to know which of the churches of our city was St. Patrick's, it would be a proper note or mark to give

\* Titus iii.

† The exact words are: "It (the true Church) hath *always* three notes or marks, whereby it is known: pure and sound doctrine, the sacraments ministered according to Christ's holy institution, and the right use of ecclesiastical discipline. This description of the Church is agreeable both to the Scriptures of God, and also to the doctrine of the ancient Fathers, so that none may justly find fault therewith."—Homily for Whit Sunday, 2nd part.

the enquirer, to desire him to observe the steeples of the city, and whichever he found the highest, that to take for St. Patrick's. But to tell such a one to find out which of the churches was dedicated to God in honour of St. Patrick, for that would prove to be the saint's, would plainly be but to mock. And so it must have been with a view to perplex and not to facilitate enquiry, that the Church of England in her homilies assigned truth in doctrine, legitimacy in sacraments, and soundness in discipline, as her marks and tokens. For what is any Church apart from its doctrine, sacraments, and discipline? And to prove the divinity of a Church by its divinity in these particulars, what is it but that old sophism of proving the same by the same?

Yet, all this notwithstanding, I am disposed to try if we cannot make the Church of England confess, or, what is pretty much the same thing, her divines and prelates for her, confess that even these have suffered and been damaged to a damnatory degree by the operation and decisions of her own Church-courts, imposed on her by the State, and which she drags after her, with ill-suppressed murmurs, as a lengthening chain. My proposition, therefore, is, that the Church judicatories of England are inconsistent with due discipline, sound doctrine, and valid sacraments, her own ministers being judges; and that in bearing with them, she offers the most undeniable testimony that she is *a slave*. First, then, for discipline. This portion of the case has been, in considerable part, anticipated in the preceding lecture. It is as well, however, to hear what the Anglican prelates have to say on the subject.

"It is true," says the bishop of Salisbury in his late charge,\* "that under the existing constitution of the

\* 1842, pp. 29, 30.

ecclesiastical courts and the rules of law to which they give effect, so great impediments are placed in the way of godly discipline, even where it is most obviously needed, that it may be almost said to exist in theory, rather than in practice.”\* This is certainly not an en-

\* This is the same assertion, from a different quarter, as that with which the lecturer closed the last reading, from Archdeacon Wilberforce. It has since received what the *English Churchman*, the organ of the Tractarians, calls an “awful” confirmation, which shows that it is more extensively true than either bishop or archdeacon seem to have been aware. When, the other day, the case of that clerical profligate in the north of England came before the senate, and the bishop of the diocese (Peterborough) was questioned as to why he did not visit it with due and prompt canonical punishment, and thus prevent, or at least try to neutralize, the scandal,—what was his answer,—the answer of this successor of the apostles? That he was utterly shorn of authority in the case. And by whom? By the State—the operation of a human law,—a “Church discipline act,”—an act framed and imposed by laymen in the exercise of a *right* to impose laws upon the Church. Could there be a more disgraceful, or, for a churchman, a more ruinous defence set up? Yet it was acquiesced in by clergy and laity in the House. It is not that an abandoned wretch was rector of Barnack. A Judas was found in the company of Christ. And a bad pastor may be the misfortune of any Church. But it is that *that* unfortunate Church wants the remedy and control over such a case, which the most miserable conventicle in the land possesses. It is that her princes, the constituted guardians of her sanctuary, cannot protect her altars from the polluted touch of a wretch whose hands are clotted with every fat and unctious defilement. And why? By reason of a parchment law,—the State won’t let them. “See the holy things are with the dogs,” exclaims the public indignation; “why do you not rescue them from their desecration?” “Do you not see our hands are tied up?” replies the bishop, as he clanks his chains, and exhibits them to his people; “the Church discipline act broke the pastoral staff in my hand, and gave me instead a feeble reed. And Mr. Marsh would laugh, if I flourished it over his head. To be sure, we bishops, as members of the legislature, sat meekly by, while our chains were being forged; and when the hour came, dutifully held out our hands, that our masters might fasten them on. The desecration of holy things

viable position for a Church which has taken care to inculcate that discipline, rightly used, is one of the three marks of the true Church. "But," adds his lordship, "fully admitting these things, we must not forget that, at present, there exist at all events the *principle and theory* of discipline." That is to say, that there is a principle which is not in use, though its "*right use*" is essential; and a theory unrealized, though its reality is an unfailing mark of the Church!

If this be a crumb of comfort for his lordship, why, in

was then the possible, as it is now the actual result. But still it was, and is, the *right* of our lay masters to rivet our gyves; and let holy things go, if they will, to the dogs, forbid that we should quarrel with a state of things that covers our nakedness with purple and fine linen, and our tables every day with sumptuous fare. The legislature will likely muffle our chains, lest their clang should jar too gratingly upon the public ear. Then, lulled into a delicious slumber, under the potent incantations of the wizards of Oxford, the nation will dream once more that acts of Parliament are ancient canons, and the slaves of the powers of earth are transformed into successors of the apostles. Have patience, my good people, till the lay legislature has time to tinker up this case; and don't think a successor of the apostles can be so uncourtly as to scourge the buyers and sellers, or even clerical culprits, out of the temple, till he gets leave from his temporal masters." Such is a free translation, a fair paraphrase, of the speech of Dr. Davys, bishop of Peterborough, as reported to have been delivered in the house of Lords on the 11th of March, 1844. Truly may the Tractarian organ, the *English Churchman*, say, "This is perfectly awful. The position of the Church of England at the present moment, in respect to this matter, is one of such deep degradation as its bitterest foes could scarcely have conceived possible." Let us leave her to shift out of it as well as she can. The legislature will, probably, pluck the fruit. But the tree will be left standing, till another season comes round, and a similar produce again proclaims that the evil has never been plucked up, but still holds its grasp of the soil. It will require, says the *Standard*, an act of Parliament to remove Mr. Marsh. And the Church that requires this is not an act-of-Parliament Church?

the name of charity, let him enjoy it as long as he can ; it would be a pity to go between him and it. But we are afraid that others will not be so easily pleased. This empty shadow, this miserable and clumsy counterfeit of a noble reality, this abstract theory of an unreal discipline, wretched and contemptible as it is,—even this is too much to be vouchsafed, it appears, to a Church which must be made to bite the dust, and sound the depths of the lowest degradation. We cannot better explain what it is we mean than in the words of Dr. Philpotts of Exeter:—

“ A Bill cannot much longer be delayed for carrying into effect the recommendations of the commissioners of 1832, ‘on the practice and jurisdiction of the Ecclesiastical courts.’ Among the recommendations attended to in the new bill, is one, that all criminal proceedings against laymen shall cease; of the wisdom of this recommendation, so far as temporal consequences are concerned, none of us, I apprehend, will entertain a doubt. But there is a most important spiritual result which must be guarded; and which, in guarding it, *would well employ the wisdom of the Church in synod, to whose cognizance the matter properly belongs.* I mean, what is to be done with such offenders in respect to admitting to, or repelling from the holy communion?

“ As the law of the Church, which is also the law of the state, now stands, the parochial minister has, as he ought to have, in the first instance an absolute discretion; but if he repel, he is obliged to give an account of the same within fourteen days to the ordinary, who must proceed against the offending person according to the canon.

“ Now, when, in conformity to the recommendation of the commissioners, this process shall be done away, what

course is to be substituted? On the one hand, to leave without redress a party who deems himself unjustly deprived of the highest privilege of a Christian, would be intolerable; but, on the other hand, it would be certainly not less intolerable to give a grievous, a notorious, an impenitent sinner, the right to demand admission to the Lord's supper—the most perfect absolution, be it remembered, which a baptized sinner can receive.

“There is, too, a third case, which must not be forgotten; that of a person, a member of the Church, guilty of heinous sin—heresy for instance, or blasphemy—for which he ought to be excommunicated, (that is, put out of the Church), whether he seek admission to the Lord's supper or not.

“Now, what process is to be provided for the Church in these cases? Glad, as we shall all be, to see civil consequences of Church discipline over the laity removed, yet the right and duty of spiritual discipline we may not, we dare not, surrender. To do so willingly, would be to betray the Church,—to *unchurch ourselves*. To force us to do so, would be an act of direct persecution.

“Well, then, what must be done? Is it a matter for parliament to order? for a legislature which no longer professes, no longer would endure to be called an assembly of churchmen,—nay, is growing impatient of being exclusively an assembly of Christians? Are the essential rights and powers which our Lord conferred, and which the apostles taught the Christian ministry by their example, and required them by express precept duly to exercise,—are these to be placed at the mercy of men who deny conscientiously the very existence of those rights and powers?”\*

\* Charge, September, 1842, p. 74.



Aye, indeed, my lord bishop, that is the question. But it is a question that comes three hundred years too late. In connecting itself with the state, your Church took all these consequences: and she must now abide by them. Had such observations as these been listened to in the reign of "good Queen Bess"—*and they were as applicable then as they are now*—where, we should like to know, would the good bishop of Exeter at this moment be? He had been plain Henry Philpotts; and the public had been spared the trouble of reading his lordship's charges; and you and I, my friends, the misery of commenting on their inconsistencies.

The parliament that ousted the old Catholic bishops, to make room for their Protestant substitutes, "did not surely profess—would not endure—to be called an assembly of churchmen," any more than the parliament now; if, indeed, so much. And when the Protestant bishops of this realm took their place, and profited by the act that dispossessed them, they acknowledged the competency of parliament to perform that act, to execute that transfer; that it to say, to interfere *authoritatively* in the highest concerns of the Church, and remodel it as it should list. And it is not admissible now for his lordship of Exeter, or any other of his right reverend colleagues, to cry out against an authority to which he and they are indebted for all they possess in the Church, down to the very titles of their dignities and the names of their sees. The particular exercise of power that menaces them may be very unpalatable, it may be even destructive of the last traces of a Christian Church; but it is not the less within the province of parliament to enact it. The parliament, in the words of Mr. Speaker Onslow, is, "*by the constitution of the Church*," the supreme

ecclesiastical legislature in these realms,\* and to question the authority of this legislature in the case, is to commit an act of treason alike against the Church and the state;—it is to be ungrateful for the good things this legislature has been lavishing on the Church and her bishops for the last three hundred years;—it is moreover a stupid thing; for if the doctrine of Henry of Exeter were to prevail, he and his Church must be unchurched, since the Church of these realms is all it is, solely through the interference of the state; and were she now to affirm and adopt the principles of his lordship, she would incur the guilt of the suicide, and deserve to be carried out into the cross-ways, and be buried, where the foot of the stranger might come and trample on her remains. Yes, good my lord of Exeter, it is very inconvenient that your Church should be so constituted—it exhibits her in a very pitiable state; but after all it is her constitution. Only God help those who have embarked their hopes of eternity in such a frail bottom!

There is another of these right reverend prelates who, in a charge already referred to, has favoured the world with his wisdom upon this menaced invasion of his Church's wretched discipline; I mean the Lord Bishop of Salisbury. He too declares, like his brother of Exeter, that if carried into effect, this sweeping away of the criminal

\* “By the constitution of the Church of England, it is that the supreme legislative power of the Church is in King, Lords and Commons in Parliament. Parliament, as the supreme legislature of the Church, has the same extent of true power in the Church of England as any Church legislature ever had, and may therefore censure, excommunicate, depose, degrade, &c.; or may give authoritative directions to the officers of the Church to perform any of them; and may also make laws and canons to bind the whole Church, as they shall judge proper, not repugnant to the law of God or nature.”—*Speaker Onslow's note to Burnet's O. T.* vol. iv. page 17, last edition.

jurisdiction of the spiritual courts over laymen, will "strike at the root of the Church as an organized body!" either that, or "it will throw us back," he says, speaking of himself and his fellow churchmen, "upon first principles, doing away with all existing modes of orderly government," (what essential beings the lay chancellors are!) "and leaving us to reconstruct them as best we might." This, it must be confessed, is not the most comfortable of reflections for a bishop. But what is the remedy his lordship proposes for this state of things? What is the safeguard he provides for his Church against the coming danger? You shall hear: "I earnestly hope," he says, "that the Church will not be placed in either of these positions." What a happy temperament! The very existence of his Church is menaced; and a state of things that would carry dismay into any other heart, is but a well-spring of hope in the good bishop's breast. "I earnestly hope the Church will not be placed in either of these positions." Well! and what are the grounds of this enviable earnestness of hope? Is it any disposition that has been betrayed by government to relinquish its design of proceeding with the proposed changes? Not the least of it. Matters are progressing steadily though quietly towards their appointed end; and there is no reason to anticipate the least wavering in the purpose of the reformers of the Church courts. What, then, once more, is the ground of the bishop's hope? Simply this: "It is the duty," he says, "of the Church's members, to take care that in making changes in the Church's system, her spiritual prerogatives be not impaired. I trust," he continues, "that this duty will not be forgotten; but that, on the contrary, it will be clearly recognized and effectually discharged." There is the inspiring source of hope in this Episcopal breast. And

having thus expressed his hope and his trust in the predicament, he leaves the matter there. Happy Church! to boast such bishops, who, in emergencies which would rouse and require all the energies of any other episcopacy in the world, have but to modulate in liquid tones a homily upon the duties of her children, and then, full of hopeful confidence, speed them on their appointed errand of making delicate and dangerous changes in her system, and putting her very existence in jeopardy! Was there ever such drivelling? The language of hope upon the lips; while the agitations of fear are convulsing the heart! Eh, Mr. Newman! have we caught your Athanasius at last? God help the Church, if her Athanasiiuses and her Basils had been made of no "sterner stuff"! Well; but "it is the duty of the Church's members to take care that, in making changes in the administration of her system, her spiritual prerogatives be not impaired." Good, my lord bishop; but do men never forget their duties? And if this parliament should turn, as it is likely to do, a deaf adder's ear to the voice of the enchanter from Salisbury, "charm he never so wisely," where is your remedy? You talk of men's duties; pray, when the existence of a Church is menaced, has a Christian bishop himself no duty in the case? Or is his duty discharged when he politely expresses his "*hope*" and his "*trust*" that those, whose arms are raised to strike the fatal blow, will be better behaved, and not handle the poor Church he pleads for too roughly? "They are to take care," he says in his innocent homily—"they are to take care that in making changes in the administration of the Church's system, &c." Then they are entitled to make changes in the Church's system—and what changes? Changes that if not managed with care and circumspection, will impair

the Church's spiritual prerogatives; nay, destroy her very existence! And to whom is this fearful power conceded by this Christian bishop? To laymen. And who are to be the judges in the case of what the *spiritual prerogatives* are, which require to be thus tenderly handled? or of what it is that will impair them? Laymen, laymen — ever and always laymen. Men who can scarcely tell what a Church is, much less what it is that will endanger or destroy it! Precious Church! But what, after all, is this mighty danger that has put the leaders of Israel in such awful alarm? Why this: laymen will not be allowed any longer to keep laymen from communion; and the whole fabric of the Church comes tumbling about our ears! With such an explanation of this affair, is it quite impossible that the lay legislators should smile at the good-natured bishop's alarms; and thinking it little harm how soon such a system is done away with, proceed at once to their task of reforming the absurdity, by *recalling that which they originally bestowed*—the power of lay-excommunication? Perhaps, too, after stripping her of the last shred of the tattered garb of her discipline, will they kindly take her case into consideration, and compassionating her nakedness, drop upon her shrinking and supplicating form some new and motley covering, hastily made up for the occasion by the “prentice hands” of the church-menders in either house of parliament. We can all remember the time, when every tinker and cobbler in the land, provided only he were a Protestant of the right sort, used to turn out on the Sunday in his new suit of regimentals to “play soldiers” in the yeomanry; who knows but we may yet see *Anglicanism* turning out in a new suit of “discipline,” to play “Church” once more in the face of Christendom? And there are people who can entrust their

souls' best hopes of salvation to such a system! But let us proceed.

One of the "three notes or marks of the Church" is satisfactorily disposed of by that system of lay judicatures which measures its existence by that of "the Church."\* We have only to consult our own recollection of what has occurred within the last very few years, to perceive that it has not fared better with the remaining two "marks"; namely, pure doctrine, and the sacra-

\* Since writing the above, I find a remarkable confirmation of this view. "*It is clear*," says Archdeacon Robert Wilberforce, speaking of the want of discipline in his Church, "that the judgment of those great luminaries whom our Church has been used to regard as authorities would declare her *absolute forfeiture* of her peculiar privileges." (Church Courts and Church Discipline, p. 13.) I learn from this work what I did not observe before, that the Church prays to this day, in her form of making bishops, "that they may duly minister the godly discipline thereof." Cruel mockery! First catch your hare, says Mother Glass. First make out your discipline, before you talk of ministering it. Really, the Church ought not to introduce irony into her solemn worship. Yet if the Prayer-book tell truth, and in this one particular we believe it does, Church discipline is among the things still "greatly to be desired."

As these pages are going through the press, a bill to remove *some* of the multitudinous abuses of the Church courts is progressing through Parliament. It is one which gives satisfaction to nobody—not even, so, at least, they say—to its framers. Its sole recommendation seems to lie in this—that it makes a beginning, and establishes the necessity of legislative interference with abuses so numerous and so crying, that it is difficult to know where to begin with removing them, or where to end. But as to any proportion between the remedy offered by the present measure, and the evils with which the legislature has to contend, no one pretends to assert there is such a thing. On the whole, the history of this attempt at legislating for the Church, and the truckling, vacillating policy of the bishops in reference to it, is so demonstrative of the worldly and enslaved character of the Church, that we shall be tempted to add a word upon the subject in the Appendix.



ments administered according to Christ's institution. Thus, for instance, in point of doctrine, the Church was in the habit of denouncing prayers for the dead,—or rather, to speak more correctly, Church ministers were in that habit,—poor Church not being allowed to denounce that or anything else. And lo! one Mary Wolfrey and Sir Herbert Jenner put their heads together one fine day, and praying for the dead is now one of the doctrines of the Church. Poor Mary Wolfrey! We almost chide ourselves for the apparent levity with which we have introduced the mention of her name. Henceforth is that name indissolubly bound up with the history of the English Church of the nineteenth century, and many a recollection of her aching heart is linked with the disgraceful story,—dragged, as she was, from her sorrowful home, by unfeeling oppressors calling themselves ministers of the God of charity, and constrained to enter a ruinous court of law, an unequal combatant against wealth and influence. Who could believe it, if we did not know it for the fact? Poor creature! In the first hour of her bereavement, while drooping over her desolate hearth, thinking of how she would be able to battle with an ungenerous and unfeeling world, now that he who was her protector was no more; and to be startled in these—the first harrowing meditations of her widowhood—by a messenger from the pastor of her parish, the minister of the God of compassion. What must she have thought, as she lifted her streaming eyes, and fixed them on the stranger as he entered, but that He who delighteth in the appellation of the “father of the orphan and protector of the widow,” wishing to vindicate His providence, and temper His justice with mercy, had sent His own minister as an angel of charity on that day, to dry her fast-falling tears,

and pour the balm of comfort, in the soft accents of a pastor's voice, into her widowed and disconsolate heart? Could she at all events have thought,—could any one think, if we had not evidence of the fact,—that one whose duty and prerogative it is to startle a guilty world into something like compunction, by those awful denunciations which abound in the Sacred Volume against the oppressor of the widow and the orphan,—that such a one should approach her, under the mask of piety and zeal, for the purpose of himself crushing her timid and feeble inexperience beneath the ruinous machinery of an expensive court of law,—that such a one should be the person to drag her away from her home into a crowded and pleasure-loving metropolis, where none could have leisure to listen to her sad tale, or be found to sympathize with her humble woes? And for what? For an act of piety to the memory of him who was the partner of her better days,—an act prompted by nature, prescribed by religion, justified by the practice of all ages, and even sanctioned by their own books! Oh, shame on it! It was a foul transaction! Long as that tombstone shall remain, it will stand a monument of the folly and the cruelty of the ascendant Church in the nineteenth century! Truly, Mary Wolfrey, you have had your revenge. If in some of these lonely moments, when writhing under affliction, any too human feelings of resentment (which may God forbid!) shall have stolen over you, full well have they been gratified. What has Mr. Breeks, or his bishop, or his *sainted* curate (out upon such saints!) taken by the transaction? Just this,—that it is now a thing settled that it is indeed “*a holy and wholesome thought*” to pray for the dead,—coextensive with Christianity,—consecrated by the practice of all times and all Churches, save the innovating

Churches of these latter days; since not only has all antiquity prayed for the dead up to the sixteenth century, but even at this present moment all the Churches in the world, schismatical, heretical, orthodox, all as they are, with the single exception of a handful of Protestants, pray in their public liturgies, with the Roman Catholic Church, for the repose of the souls of the faithful departed. Though separated from the Catholic Church from the remotest times,—the times of the councils of Ephesus and Chalcedon,—yet their unaltered liturgies attest that, like her, they have received from their fathers in the faith the solemn injunction to combine with the great sacrifice of the body and blood of Christ in the mass, the invocation of saints, and prayers for the less perfect departed. Alone then, amid this universal consent of times and nations, the Protestant Churches of these latter days stand, a sort of religious monster, refusing to mingle their prayers and hold communion with the faithful dead. But more, they stand self-condemned; *because*, their practice has been unsteady, at one time praying for the dead, and at another time condemning such prayers; *because*, while they discourage the practice, they at the same time proclaim it, with the book of Maccabees, to be holy and pious; *because*, the reason they assign for that discouragement implies that God is unfaithful to His word, and unmindful of His promises,—since they say that, if permitted, people would come to believe in purgatory, which is a Popish error; and thus a pious custom, ordained by the apostles, and revered and observed by all Christian antiquity, cannot exist in God's Church, without the gates of hell prevailing against it; *because*, even as it is, the gates of hell have (if this Protestant apology be true) already prevailed; since where truth has been pre-

served (in the Protestant Church, according to the supposition), it has been at the expense of a pious and venerable Christian custom; and where the pious custom has been retained (in the Roman Catholic Church), there error has prevailed. Thus, either truth or piety has suffered, or rather both. Precious conclusion! In the good olden times, piety used to be the best safeguard of truth, and it was only with the decay of piety that error used to creep in; but now it seems Providence has changed its laws, and where piety abounds, there error is sure to superabound. But more,—this very reason they assign has betrayed their cause, for they say this venerable custom of praying for the dead cannot exist even among them, Protestants, without introducing in its wake the Popish belief of Purgatory. Thank you for the admission! What stronger proof need we that there is a necessary connexion between praying for the dead and believing that they need and are served by our prayers; and consequently (mark this!) that that God who knew and foresaw this connexion, and yet willed the custom, willed and ordained at the same moment its necessary and inevitable consequence, the belief in purgatory; and mark too, it will not do to say that some of the most eminent divines in the Reformed Church have held the two things distinct and disconnected; for you must never forget the admission that *the people* are incapable of keeping asunder the two things, the practice and the belief, by the nice distinctions of theologians. Now the practice, in this case acknowledged to be ordained by God, is essentially a practice of, and for, the people,—that simple people who are more the object of God's concern in the establishment of religion and its usages, than the wise and the prudent of this world, consequently he would never ordain to be popular that

practice which, observed by the people, would necessarily lead to error; and consequently again the belief (in purgatory), to which the apostolic practice of praying for the dead is confessed necessarily to lead, cannot be error.

But, after all, have the people been saved from error by the suppression of the good and pious practice? We appeal to the great body of their people, have they not hitherto been given to understand it to be vilely superstitious,—Popish, in a word,—to pray for the dead? And why do I speak of the people? Did not the Rev. Mr. Breeks, who sought to bring the heaviest vengeance of the law on the poor widow Wolfrey, did not *he* think it an unholy and superstitious act? Did not his bishop, who, if I remember rightly, sustained him in his cause,—did not *he too* think it superstitious? Did not his curate? But it seems the people must not know that it is a holy and wholesome thought to pray for the dead, lest they come to believe in purgatory. They must be kept in ignorance of that fact,—it must be kept out of their sight. And these are the men who talk of keeping the people in ignorance and spiritual blindness, in order the better to rule over them! Oh, verily, “*comprehensus est peccator in conciliis suis.*” “The sinner is caught in his own snares.”

And do they think now that when the people shall come to understand that praying for the dead is lawful, good, and pious, they will be kept from praying for them?—aye, and in the Catholic Church too? “No,” says Johnson, “if praying for the dead be lawful, no more need be said,—nature will do the rest.”

Thanks, at all events, to Sir Herbert Jenner, the layman, and no thanks to the parsons and bishops, it is now, even in the bosom of the Anglican Church, a thing

decided, that it is indeed “a holy and a wholesome thought to pray for the dead.”\*

And this, no doubt, is one of those decisions of which the clergy of the East Riding of York, with their arch-deacon at their head, and under the sanction of the bishop of Salisbury, have said in their petition to Parliament last year that through the ignorance and lay character of these courts, and of the Church courts generally, “*various errors in spiritual doctrine, and various infractions of the rights and privileges of the Church, have received the sanction of public authority.*”†

It would be unpardonable if, after having said so much of two out of the three notes or marks which this Church alleges of her truth, we did not subjoin a word on the third,—“administration of sacraments according to Christ’s institution;” and on the way in which this too is affected by the working of the system of Church judicature in this Christian realm. Happily we have not to travel far for an illustration in point. It is ready to our hand, in that case with which both ears of the Church are tingling to this hour,—a case which, in a lecture professing to treat of the Church’s independence of the temporal authorities, it would be impossible to pass over in silence; you understand me to allude to the case of *Mastin against Escott*, so lately decided in the Court of Arches, and subsequently by the Judicial Committee of the Privy Council.

\* There is on this subject a beautiful vindication of the doctrine of the Catholic Church from tradition by Mr. Newman, in a note to his translation of Fleury’s Ecclesiastical History. The note seemed to us such an admirable specimen of condensation and accuracy, that we are sure we shall have our readers’ goodwill with us in transferring it to our pages. See Appendix.

† Appendix to Wilberforce on Church Discipline.



The facts and merits of that case may be stated in a few words. A child in one of the provincial towns of England, the offspring of parents of the Methodist persuasion, is baptized by a Methodist minister, and dies in infancy, without receiving any other baptism. The parents or friends,—it is immaterial which,—present the remains for burial according to the form prescribed in the Book of Common Prayer. The parish minister,—in this case the vicar, Mr. Escott,—refuses to comply with the demand, assigning as his excuse, that by the laws of his Church he is prohibited from giving Christian burial to the unbaptized; and such again, he alleges, he is taught by this Church to regard that child, she having received the rite of baptism only at the hands of a Methodist minister; whereas the rubric of his Church requires a “lawful,” that is, he says, an episcopally ordained clergyman, for its valid administration. Such was the case, as it stood on its nominal merits; but its real bearings were of much wider compass; they embraced the question whether regeneration and a title to the kingdom of heaven were to come to none, or nearly none, save through the hands of the clergy of the Established Church; and next, whether all who, like this child, were baptized only by Dissenting ministers,—that is to say, whether the great Dissenting body of the country,—were to be un-Christianized, and degraded to the rank of the Mahometan and the heathen. And a question like this,—a question at once of doctrine and of sacraments,—dogmatic and practical,—involving the highest considerations of time and of eternity,—the question whether an entire body of professing Christians were to be admitted to the privileges and the hopes of their high calling, or reduced to the level of the Pagan,—such a question cannot be decided by the Church (I

mean its clerical portion), but must be reserved for laymen sitting upon that Church's tribunals! while the clergy must take the law and the doctrine—will they, nill they—from these laymen's lips! Time was, *the lips of the priests kept knowledge, and the laity sought the law from their mouth*; but in this Church of mighty pretensions and wretched results, things are reversed. They are the lips of laymen which keep knowledge, and the priests are to take the law from *their* mouths. And they have indeed been made to take it with a vengeance, like a dose of physic; and to pay for it too. The poor vicar of Gedney was not only suspended from his priestly functions by the layman for his reading of the rubric, but was moreover mulcted in all the costs, by both the court below and the court of appeal above. For an appeal was carried from the layman below to the laymen above,—from Sir Herbert Jenner, to wit, to Lords Brougham and Co. of the Judicial Committee of the Privy Council. But contemptible as is the point of view in which this memorable case and its decision place the Church, there is a stronger feeling far inspired by its history. This history, to do it anything like justice, would demand and occupy a large paper; a few words must suffice on the present occasion.

Every body knows the importance which the universal Church of Christ has ever attached to the administration of baptism, above all her other ministrations and sacraments. Aware that it was the only gate by which man could enter into a participation of the benefits of redemption, according to the express words of her Divine Founder, "Unless a man be born again of *water* and the Holy Ghost, he cannot enter into the kingdom of heaven," she has ever applied the utmost diligence, amounting to intensest anxiety, to inculcate upon all

her children the necessity of conferring it, or seeing it conferred, in case of necessity, by any, even pagan hands, rather than permit the poor soul to depart out of this world without the character and badge of the child of God. Specially midwives, as more liable by their calling to be placed in circumstances demanding their aid in this respect, has she taught with all imaginable care how to administer so indispensable a sacrament. This feeling, and consequent precaution, passed, at the time of the Reformation, from the old into the new Church, and became embodied in the rubrics and other provisions of the two books of Edward, as well as in all the subsequent editions of the Book of Common Prayer under Elizabeth.

To be sure, this retention of a custom, savouring so much of the zeal and the spirit of the olden Church, was not without its annoyance to men, whose singular pleasure it was to pull down every institution to which the ancient Churches of Christendom manifested a more than ordinary share of attachment. Accordingly, it has been avowed in the high places, that the Reformers of Elizabeth's reign were disposed to fling away this "cloke of Popery;" but were deterred lest "*perhaps this book [of Common Prayer] would not have passed the Parliament*"!\* At a subsequent period, namely, in the year 1575, they thought themselves strong enough to insinuate a canon, prohibiting any but *lawful ministers* from baptizing. Their objections, it should be observed, were not so much against what we would call lay baptism, as against baptism by women. To baptism by laymen they were rather favourable, inasmuch as it tended to do away with the distinctive character and

\* Barlow's Account of Con. Hamp. Court.

privileges of the priesthood; but the entitling of women to baptize was too clear a recognition of the necessity of that sacrament; and the necessity of sacraments, or of any ecclesiastical ordinance, was fundamentally opposed to the principles of the Reformation, which proclaimed the self-sufficiency of the individual to treat directly with God, without the intervention of any ministerial power.

However, the canon of 1575, though drawn up in obedience to these principles, entered into no nice distinctions; but in order to do away with baptism by midwives, reserved that power to what it termed "*lawful ministers.*" The sturdy lady on the throne instantly stood up for the honour of her sex; and influenced, probably by some slight misgivings, lest perhaps, from meddling with the spiritual prerogatives of her midwives, these restless innovators might terminate by assailing her own, she quietly drew her pen across the obnoxious article, by way of comment on the nature and extent of her ecclesiastical supremacy. The canon never appeared after in the *printed* copies of that year. But though its framers lacked the courage to venture into print, they had magnanimity enough to steal forth surreptitiously in manuscript. The consequence of this irregular and underhand course, was such as might have been anticipated. At the Hampton Court Conference the bishops fell to contradicting each other in beautiful discord, as to what was and what was not the doctrine and discipline of their Church on the subject of lay baptism. James pointed out to them, what was abundantly clear in itself, that be their oral teaching and their practice what they might, the doctrine of their Church, as laid down in the Book of Common Prayer, was decidedly in favour of women and private persons baptizing in cases of necessity. The conference upon this subject lasted,

according to the report of the dean of the Chapel Royal, for three hours at least. "The king *alone* disputing with the bishops, so wisely, wittily, and learnedly, with that *pretty patience*, as I think," says the old sycophant, "never man living ever heard the like. In the end," he goes on, "he (the king) *won* this of them, that it should only be administered by ministers, yet in private houses if occasion required." There seems to have been some lingerings of grace about the unfortunate and fallen creatures, the bishops who assisted at this conference. It was the longest and most strenuous contest they had yet sustained with the royal theologian. They represented to him every consideration which they thought could weigh with him, in order to induce him to forego the alteration in the rubric upon which he was so intent. They particularly insisted with Bancroft "upon the absurdities and impieties of *their* opinion, who think there is no necessity in baptism." They went further; they took the matter upon the lowest possible ground; assuming, for the moment, that the reasons for the necessity of baptism were not so cogent nor so unanswerable as they were represented to be. Yet still, they argued, as it was undeniable that the vast majority of the Christian world held, and ever did hold, such necessity, it was not permissible by Christian charity that a soul, redeemed by the blood of Jesus Christ, should be risked in its chance of salvation by the withholding of a rite, so long and so universally held to be of the last importance. "Who is he," was the strong language of Bancroft, "*that having any religion*, would not speedily by any means procure his child to be baptized; and rather ground his action upon Christ's promise, than his omission thereof upon God's secret judgment?" These are the grounds of condemnation of the English Church,

pronounced by one of the most eminent of her own bishops. Long as the human breast shall beat responsive to the call of religion, it will echo back these words, and ratify and prolong the condemnatory sentence. "Who is he, that having *any religion*, would not speedily *by any means* procure his child to be baptized, and rather ground his action upon Christ's promise, than his omission upon God's secret judgment?" Eloquent appeal! which yet upon that spot, within three hours after, the unhappy man that pronounced it lived to belie in his own person! He turned a glance upon the tottering frame of the worn-out metropolitan by his side, from whose time-stricken head the mitre of Canterbury was falling. How could he resist the will of a prince who would have so soon to dispose of the glittering bauble? Yet this, I suppose, our Oxford friends will tell us was independence? No matter. Bilson of Winchester came to the rescue. "Speaking very learnedly and earnestly on that point," says Barlow, "affirming that the denying of private persons to baptize, in the case of necessity, were to cross all antiquity." But he, too, like his brother of London, preferred "crossing all antiquity" to *crossing* "the pretty patience" of the monarch—who, to an observation of his that "*it was a rule agreed upon among divines* that the minister was not of the essence of the sacrament," smartly and rather peevishly replied, that "*though he was not of the essence of the sacrament*, he is of the essence of the right and lawful ministry of the sacrament." This was the convincing argument that silenced all opposition. *Though the minister be not of the essence of the sacrament, he is, quoth the king, of the essence of having it done as I want it, and I am master here.* This was the plain reading of the case, and it was enough. They were too courtly to dispute



the royal will; and lay baptism has been ever since "discouraged" (that is the word) in the Church. The bishops, poor souls! felt themselves every way "discouraged." They did not dare to contravene the royal will. Neither did they dare broadly to affirm the principle that laymen could not baptize validly, or even, in case of necessity, lawfully. The truth was too plain and too forcible for them; they had recourse, as usual, to the disreputable subterfuge of shifting out of the difficulty by the use of indistinct and ambiguous language—and doctrine, that from the age of Cyprian, was clear as the sun at noon-day, and necessarily so, because connected with the salvation of millions, was darkened and obscured by her professing guardians in order to humour the conceit of a royal pedant! It is now a matter so effectually perplexed, that the cleverest divines of the Church of England are at variance with each other as to the validity or non-validity of lay baptism. Some contending with Bishop Fleetwood for the affirmative, and others with Bishop Waterland for the negative side of that question; yet nearly all agreeing that it is the doctrine of the Church of England that baptism by lay persons is valid, and, in case of necessity, a duty. Even Waterland allows that the stream of her divines are against those who, with himself, think that lay baptism is without effect. Of course, he had no difficulty in asserting that the Church, of which he lived and died a bishop, was wrong. The Church of England, at all events, holds, on the one hand, the necessity of baptism as the vehicle of regeneration—the instrument of salvation to the soul, which, without this essential rite, leaves this world, as it was born into it, "a child of wrath." On the other hand, "the stream of her divines" holds that any layman is competent to meet this emergency. And yet she

had the profligacy to subject not to her censures only,—these, from such a worn out and decrepit Church, were of little consequence,—but to “punishment,” all who, seeing a soul about to depart this world without baptism before a minister could reach it, should fly in obedience to the impulses of charity to its aid, and administer to it the saving rite! In the annals of all that is odious, I know nothing so unspeakably odious. And it is only by its being so sovereignly odious, that it has been saved from being sovereignly ludicrous.

The language of the Church of England’s cleverest men—her bishops even—in reference to this subject, is a congeries of contradictions and absurdities. Take, as a specimen, Burnet, whose work “On the Thirty-nine Articles,” is itself a standard of such authority with Churchmen, as to fall little short of the formulary upon which it comments. What does he say, speaking of the twenty-third article? “We have reason to believe,” he says, “that none ought to baptize, but persons lawfully ordained. But since there has been a practice so universally spread over the Church, allowing the baptism, not only of laics, but of women, to be lawful, though we think this is directly contrary to the rules given by the apostles, yet as this has been so generally received and practised, we do not annul such baptism, nor re-baptize persons so baptized.” What beautiful theology! An universal practice of the Church contrary to the rules of the apostles! Come forth, great Bishop of Hippo—Light and Doctor of this universal Church, come forth once more, and chastise the insolence of this vain and frivolous bishop of a modern and *parvenue* Church. “Quod universa frequentat ecclesia,” are the words of the venerable father, “quin ita faciendum est disputare, insolentissimæ insanix est.”—“Nothing but the most

phrenzied insolence will ever contend, that a custom universally prevalent over the Church is anything but what it ought to be." That is the way in which the self-sufficient petulence of a shallow pretender to theologic lore has been met and reproved, 1200 years before Sarum was encumbered with a latitudinarian usurper of her ancient see. And then, to crown the absurdity, apostolic rule, it seems—where did the good prelate find this apostolic rule?—is to give way before an irregular and disorderly practice; a bad practice, as he elsewhere calls it. Simply because the bad practice, the irregular and disorderly evil, had been generally received elsewhere. For, surely, in the Church of England it was not fostered. There, at least, it was *discouraged*. And thus the existence of an evil in other quarters, is a reason for retaining it where there is yet a power of crushing it! And such an evil! For in the supposition that lay baptism is opposed to apostolic rule, what else is it but an invasion of the sanctuary—the crime of Dathan and Abiron? That is to say, a frightful sacrilege—the most horrible of crimes! And instead of being reprobated as it deserved, this crime, according to Burnet and his admirers, has been held up to veneration as the highest dictate of religion! the veriest exercise of charity! and that is a sufficient reason for retaining it where its guilt is recognized! And then, what new-born deference for universal practices! But why, in the name of common-sense, confine that deference to the case of lay baptism? Was not, is not, the practice of praying for the dead an universal practice? of saying mass an universal practice? of invoking the assistance of the prayers of the saints—of adoring the Eucharist—and so many others? Are not these universal practices? And why reject these, if the other, the vile sacrilege, is to be acquiesced in, and retained on the score of its being widely spread? It is in

this way that men's dearest interests—the interests of their immortal souls—are frittered away, by beings who themselves look to no other interests than the interests of the hour, and the opportunity of pleasing those who happen, at the moment, to be sitting in the high places.

It so fell out, that about the time that Burnet wrote, a new occupant, and partly through his own instrumentality, sat upon the throne of the Alfreds and the Edwards, and he was a Dissenter. Yet now converted by some talismanic operation, best known to the magicians of the Church, into the head of their episcopal establishment, it would not do to say that William III, their head, lived and died unbaptized—that he was not so much as a Christian. Yet baptized by an episcopally-ordained minister he most assuredly was not. His baptism, to all intents and purposes, was no more than that of a layman. Laymen must then be held to be capable of conferring baptism. This was the state of things when the question was brought before the bishops in 1712. They were, in the language of the day, low-churchmen; that is to say, they were for the reigning dynasty and the new order of things. They accordingly unanimously decided that lay baptism was, in the strictest sense, potential for making very good Christians. Thus once more, in obedience to the fresh breeze that sprung up from St. James's, the doctrine of the Episcopal bench, on the most important of the sacraments, veered about. "The word's a weathercock for every wind," says the poet; that is, provided always the wind comes from certain quarters.\* And so, in 1712, we

\* "When William was our king declared,  
To ease the nation's grievance,  
With this new wind about I veered,  
And swore to him allegiance."

*Vicar of Bray.*

have an unanimous—no, there was one dissentient, the Bishop of Rochester—but, with that exception, an unanimous decision of the bench of bishops right in the teeth of the equally unanimous decision of the bishops of 1575: and thus we have one end of this heavenly Church making faces at the other! But as in 1575, it fell out that the decision of the Church's bishops was struck lifeless by the veto of a lady-Pope, “the good Queen Bess,” so the opposite decision of the bishops, in 1712, received its quietus from the dogged veto of their own inferiors—the Presbyters of the lower house of convocation; and what was the motive for this memorable resistance of the priests of the English Church to the act of her first pastors?

Archbishop Sharp, who, though in favour of lay baptism, was drawn over to espouse the views of the presbyters, has left it upon record, as have indeed their own registers, that the reason was, not that they differed from the bishops' view of the validity of such baptism, *but that they feared lest they should, by declaring the truth, give too great encouragement to the Dissenters.* Thus jealousy of the influence of rival ministers was the noble motive for stifling the voice of truth, and leaving helpless innocence, in its hour of need, to perish under the false persuasion that no hand, save an episcopally-consecrated hand, could snatch them from their fate. Oh, wisest of men! Is it necessary for you to return to judgment, to tell us which is here the genuine mother of the child? A cry of distress re-echoes through the ancient, time-honoured, Church. “A child is dying without baptism, and no minister at hand! Who shall confer the saving rite?” “Any one—any one,” is the agonizing answer. “What!” says St. Cyprian, “shall the heretic,—the enemy of your rights and prerogatives,

—be allowed to confer your sacrament?” “Yes. Heretic, pagan—any one, any one—save, only save the dying soul!” Which, does this, or the avowal of archbishop Sharp and the lower house of convocation, that the capacity of dissenting ministers to baptize in case of necessity must not be acknowledged, lest the people should come to think too favourably of their ministration,—which, I say, of these two states of feeling bespeaks more the maternal bosom? No, I must repeat it,—in the annals of ecclesiastical profligacy I know nothing so unspeakably wicked.

The strength of this language must be excused. There are occasions when to stifle the honest warmth of our nature is to surrender its dignity, as well as to betray the truth. And certainly the case I have just described is one of these. If those men were even, like the low churchmen of the present day, disbelievers in the efficacy of the baptismal rite, there would be some excuse. But professing their belief in its connexion with eternal life, to refuse its administration in certain emergencies to an innocent soul, lest their own selfish interests should suffer,—language has no term of indignation sufficiently strong with which to scourge their memories.

Only reflect for a moment. The case was clear. In the books of Edward and of Elizabeth the necessity of the sacrament was avowed,—indeed, it is so to this day; and in accordance with that doctrine, and as a necessary consequence thereof, the competence of any one to administer the all-important rite in the hour of danger was fully recognized and distinctly asserted. A royal pedant, “the wisest fool in Europe,” appears; and, to humour his fantastic conceit, a Church, that should be his teacher, surrenders her own judgment with ill-dis-



sembled reluctance, and postpones every consideration that religion and sacred learning could bring to bear upon her. And the foul and disgraceful result is adhered to at the end of another century, avowedly through spite for the Dissenters, just as their hero, Luther, played fast and loose with the holiest dogmas of faith, "to spite the Pope," and "to spite the sacramentarians." That is to say, she preferred letting the most interesting portion of the souls for which Christ died,—helpless, unoffending innocence,—leave this world without a sacrament which the majority of her prelates and divines, as well as her own books, have ever taught to be essential, and which all must confess might be so, rather than seem to admit that a rival set of ministers were capable of conferring it. By that one solemn and authentic act, this spurious and adulterate Church has established her disregard for the salvation of souls, abdicated the functions of a Christian ministry, and forfeited all claims to the august title of the spouse of Jesus Christ,—that victim of charity who so generously shed his blood for the salvation of his brethren. Sooner or later the execution of mankind must overtake her, for this monstrous and crying iniquity. Let us leave her to her fate, satisfied with this one fact,—that what her bishops *could not* do, and her presbyters *would not* do, Sir Herbert Jenner, the lay president of the Court of Arches, has done for them,—without them,—aye, and in despite of them. He has determined that, be their opinion what it may, it is *the law for them that Dissenters' baptism is good and valid baptism; and that in virtue of that law they are compellable, as the slaves of the State, to give up their own opinion, and administer to the obnoxious recipient every rite and ministration he may condescend to ask, or may be asked for him, in life or in death, at their hands.*

This, in all conscience, was, or ought or be, humiliating enough. But there was that in the propounding of the judgment, and the observations with which it was accompanied, which rendered it considerably more so. The learned judge, in pronouncing the decision of the court, took occasion distinctly to apprise the clergy and the public that he abstracted altogether from the *truth* or *falsehood* of the doctrine involved in that decision. His words were: "Whether baptism administered by laymen is abstractedly good and valid, according to the intention of the Divine Founder of the sacrament, or not, is not the question for me;"\* and then he proceeds to mention the opposite opinion with great respect, and the arguments and authorities alleged in its favour by Waterland and others in terms of great praise; and swayed to all appearance by these authorities, and the cogency of these arguments, he deems it necessary to protect himself against the notion that, by a decision seemingly adverse, he means in the least to controvert that opinion. He gives to understand, it is very possible that, on Christian grounds, and as a Christian dispensation, dissenters and laymen generally may not have the power to baptize; that he, sitting upon the judgment-seat of the Church, is utterly indifferent to considerations of that kind; and that, if he knew the case to be so, he should still not be deterred from proceeding in his course, and pronouncing his judgment as to what is, in the case, the law of the Church of England. That is, in plain English, that he feels it his duty to constrain Christian ministers to confer a Christian rite in a way

\* Curteis's Report, p. 275. See too p. 277, for the strong terms of praise bestowed upon Laurence's argument against the validity of lay-baptism, with the distinction between the doctrine of the Church of England and the doctrine of truth.

that, for aught he knows, or cares to know, may be very possibly an un-Christian manner. And the Church that is obliged to brook this, is not a slave! and to act on it, is not unchurched! Yes, and she was very properly treated as a slave, when she was told, in the elaborate and unanimously signed judgment of the upper court, that she had nothing to do with the law but to obey it, and that such of her ministers as might feel themselves aggrieved by it, were at liberty to resign their livings; while in doing so, they should be suffering no peculiar hardship (the gentlemen of the Establishment are fond of talking of their hardships), for that there were cases around them which they might do well to imitate, where persons in judicial situations, finding their appointed duties irreconcilable with their religious scruples, quietly and without clamour, or seeking for the honours of martyrdom, retired, and left the place for others who felt no such difficulty. “*They*” (these magistrates), observed the lords of the privy-council, “*they* did not complain that their conscience was forced; *they* did not retain the emoluments of a station of which their conscience forbade them to discharge the duties; *they* sacrificed their interest to their duties, and gave way to those who could honestly fill the place and honestly hold the office, by performing its appointed functions.” And with these very intelligible hints the judicial committee dismissed the clergy and their case, with costs. It is said that “the spiritual courts are the scorn of our courts of law.” If so, the case of poor clergy is sad indeed. It is bad enough to be despised; but to be the despised of the despised, and to be despised too in what once were, and what are still denominated, their (the Church’s) own courts,—this is really very hard.

Still we must confess the clergy ought, in our opinion,

to feel very much obliged to these courts; and precisely for these adverse and most unpalatable decisions; for why are they so unpalatable, except because they do not fall in with the notions of the day? And why do they not fall in with the notions of the day, except because those who pronounce them seek to ascertain what has been the opinion and practice of their Church upon the point in each age,—and from the various and often conflicting answers to these enquiries to educe (no very easy task) some uniform result, which may be laid down as the rule of that Church *on the whole*? Remove this sole steadying principle in the Church, and what will remain but one unceasing flux of opinion in point of belief, and one inextricable maze of confusion in point of practice? This Church, goodness knows, is cameleon enough as it is. Take away this protection, and six Bossuets would not suffice to write the history of her variations. So that we are really of opinion that the clergy, instead of being angry, as my lord of Exeter waxes in his late charge,\* with the spiritual courts, ought to feel very much indebted to these lay judges for standing between them and their own erratic propensities in matters of religious belief.

I have mentioned the charge of the bishop of Exeter. It is really very amusing in this charge to find his lord-

\* The best word in his lordship's mouth for the sentence as delivered by the court in this case, is "mischievous," "portentous," "random sayings flung wildly about on matters of high and sacred import," deficiency of "that ordinary measure of information which educated men, indeed, might be supposed to bring with them" (a roundabout way of saying they were extraordinarily ignorant); with much more in the same style. It is to the tone of these observations, as evincing the soreness of the right reverend prelate, not to their justice, with which we have nothing to do, that we wish to call attention. *Charge*, p. 62.

ship, after a considerable expenditure of temper and chafing, settling down into the conclusion that the sentence delivered in both the Court of Arches and the Court of Privy Council, was, after all, the most perfect sentence imaginable, and the very one to a nicety that the clergy were so long looking after. But then, it may be asked, if so, why get so angry? And if the sentence of the court below was so critically correct, why appeal from it to the court above? Was it necessary to go to so much trouble and cost to have it reversed, if, in the estimation of these gentlemen and the lord bishop, their mouth-piece, it was so very orthodox and so very unexceptionable? Pity, at all events, they did not find that out before they spent their money in the cause. But the case being as he says, the worthy bishop, instead of getting into a fit of holy indignation, ought, it appears to us, in an extacy of gratitude at the miscarriage of the attempt to get it reversed, piously to close his hands before his breast, and turn up the whites of his eyes, exclaiming, in the well-known phrase of the godly, "Verily, the Lord hath overruled it for good!" One thing is clear; certain of the clergy, had they been sitting on the Church benches, would not have come to that decision; and therefore his lordship, approving as he does of that decision, ought in his charge to have acknowledged that it was fortunate for truth and for the Church, that the laymen, and not certain clerical friends of his, presided on the occasion. And one should think his thankfulness might have taught him to mitigate the severity of his censure, if not wholly to subdue it, in consideration of the fortitude which led those learned personages to serve the Church in her own despite, and to protect her against the wilfulness of her own ministers.

But his lordship has made a discovery. It is commonly supposed, he tells us,\* that the Court of Privy Council decided that a minister is bound to bury all who are baptized by a layman. No greater mistake;—they have solely decided that a *child* baptized by a *layman* is so entitled, which is happily a sound decision. But not a word did they determine with regard to *adults* so baptized. Will his lordship only try? It is easily done. Let him give directions to his clergy to deny the offices of the Church to the first Wesleyan presented for burial, and he will soon learn the extent of the late decision. But his lordship, though sometimes rather warm, is on the whole a shrewd man; and we may venture to predict he will not be in haste to make the experiment. No. “The wish was father, Harry, to that thought!” and you have only furnished an additional and very unnecessary proof of how sorely you feel the real decision in the case. But it seems, according to the bishop, their lordships of the supreme ecclesiastical court reasoned very badly, and betrayed a lamentable ignorance on the plainest points; as, for instance, when they distinguished between a *schismatic within*, and a *heretic without*, the pale of the Church. A truly ridiculous blunder, no doubt, and one that, as his lordship evidently wishes us to understand, demonstrates the incapacity of those who, in a written and carefully prepared document, could be guilty of it, to sit upon the high questions they are called on to decide in the last resort. This, of course, we are under no temptation to disguise; we would rather second his lordship’s efforts in calling attention to the fact, that such and so grossly ignorant in the plainest ecclesiastical

\* Charge, p. 47.



questions is the supreme ecclesiastical tribunal in the land. But we would couple with this the additional fact, that it is to the decisions of such men, so utterly deficient in the commonest elementary knowledge of ecclesiastical matters, that his lordship, and every other bishop and minister of his Church, is constrained by the article of supremacy to bow and render implicit obedience. This is the very thing we wish to be observed,—viz. the *obligation* to obey, and to abide by judgments, which do not, and cannot, command respect. But is not this slavery? or if not, will any one be at the trouble to tell us what is? Is not this to degrade, and (if I may use the word in a new sense) to *humanize* the Church? Yes, in truth, his lordship's is a *human* Church.

But let me ask is his lordship the man to cast the reproach of ignorance upon the supreme ecclesiastical court, when in the same breath *he confesses that he was for a long time in the habit of instructing his clergy that error of faith in the baptizer was a bar to the validity of baptism, even when all else was right!* We cannot speak for the schools of theology within the pale of Protestantism, for we know nothing about them, and certainly see nothing in the specimens they send out to impress us with a very exalted notion of their teaching. But this much we can affirm, that there is not a Catholic college or seminary of theology in the world, where such a decision would not bring disgrace, and perhaps expulsion, upon the veriest tyro in the school. And yet his lordship can talk magniloquently, and take to task where he should obey, with as lofty an air as if he were gifted with infallibility! Will his lordship give us leave to ask him one question? Did not the canons of his Church ratify and sanction the statutes relating to the royal supremacy? And among these statutes is there

not one (the 37th Henry VIII) still in force, which vindicates to the royal head of the Church the right to constitute all manner of persons supreme judges in ecclesiastical affairs, whose judgments are thereby to be taken and esteemed as the judgments of the Crown, and paramount and final, *by Divine right*? And if this is so, and if his lordship approves these canons, and has subscribed their doctrine, what right has he, or any other bishop in his Church, to complain of any decision of such tribunal, past, present, or to come? With these questions we take leave of his lordship, apologizing to our hearers for having detained them so long with his lordship, and his lordship's quarrels with the supreme ecclesiastical court.

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## LECTURE IX.

THE mention of the supreme ecclesiastical court, with which we terminated our last lecture, conducts us by an easy gradation to the next and concluding stage of our enquiry,—namely, into the constitution of the Court of Supreme Ecclesiastical Appeal. It will first, however, be necessary to advert for a moment to the relative position in which the civil and ecclesiastical courts stand to each other, and the superiority which the former has been allowed to claim and establish over the latter. Happily for your patience, the recent crisis in the ecclesiastical affairs of a neighbouring portion of the empire, and its results, enable me to elucidate and dispose of this part of my task in a few words. It is needless to say I allude to the rupture that has taken place in Scotland between the Church and State. That rupture had its origin precisely in this: that the Scottish Church would not,—because it was plain that, without the most flagrant violation of Christian principle, she could not,—allow the civil courts to interfere with, and control, the administration of her essential *internal* discipline; that is to say, to dictate who should be the pastors of her people,—who the ministers of the word and the sacraments,—the dispensers of consolation and instruction to the flock under her charge. To what purpose be a Church at all, if a lay tribunal could manage and conduct these affairs as well as, or better than, the spiritual guides of the people? The pretension was monstrous; and well have the Scottish clergy answered it. On many and essential points it is needless to say we differ

from them. But giving them the credit that is their due for conscientious convictions, their calm, steady, and unwavering deportment, in vindicating the rights of conscience and rejecting the yoke attempted to be imposed on them, is at once a tribute to the supremacy of conscience, and a service to the universal cause of religious freedom, for which every friend of that cause must acknowledge himself their debtor. But though in thus resisting the claims of the secular power they have done their duty, and done it well, they have done no more; and the praise that would leave behind it any other impression would be false and exaggerated. Other portions of Christendom have been called on to do as much before, when they were not sustained, as in the recent instance, by that powerful element of support in a public cause,—the sympathy of an admiring people, fervently expressed, and substantially bestowed. I say this with no view to detract from the commendation which I have just bestowed, and which is so richly merited, but to have it observed that the occasion was one of those when a great and vital principle was to be asserted; and that if they had been wanting to the emergency, they would have fallen as far beneath their proper level, as they are now lifted up in the estimation of their people. But if this be so, in what terms of reprobation sufficiently contemptuous shall we commemorate the recreancy of that Church which, with just resistance enough\* to make it manifest how vitally even *her* sense of principle was assailed by the attempt, basely surrendered to the secular courts the very right contended for by the Scottish clergy at the expense of all that could be dear to them in life,—the right which she would pretend was derived to her from God,—to make and enforce spiritual disci-

\* Particularly in the reigns of James I and Charles I.

pline, and provide edifying pastors, and sound and salutary doctrine for her people.

In order to afford some idea of the depth of degradation to which this boasted and boasting Church has bowed before the powers of this world, we shall quote the very first example of its "anomalous" condition, given by an able writer, the author of the *Appeal on Church Government*, a publication which, immediately it appeared, attracted the notice, and has since, at the distance of three years, elicited the renewed commendation, of his Grace the Protestant archbishop of this city. The pamphlet itself will repay perusal. At p. 63, this writer observes:

"It will be admitted that one important function of a Church is to take care that its accredited teachers should preach sound doctrine. It was with a view to this, indeed, that the Church of England prescribed a liturgy and articles. And it would be by reference to these that the orthodoxy of the instruction given by any of its ministers would be properly judged of. But who is to institute the comparison? A bishop, of course, may examine into the matter, and come to his decision; but what then? If the minister, indeed, be a curate, he might perhaps be deprived of his license. But suppose the heterodox minister were a rector, the decision in the matter would be subjected, before his removal from his parish could be enforced,—not to the examination of other bishops,—not to any selected body of the clergy,—not to any body, in fact, necessarily belonging to the communion of our Church,—but to twelve men, taken by the sheriff at random from general society,—men who may be very respectable as citizens, and very competent to give a just decision in matters of property and of trade,—but whose fitness for deciding an abstract opinion of religion had never been ascertained,—men

who may themselves hold any opinion, however heterodox, or men who may have never risen to the dignity of holding any opinion whatsoever in religion. It would be before such a tribunal that the question would have finally to be settled. The bishop would be, as it were, arraigned before them, and compelled to give them an account of his proceedings as a bishop. This is the state of the law arising out of the fact that the Church of England (unlike every other religious communion) possesses within itself no power of determining claims to membership; but is this a condition in which the prelates of the Church should be exhibited?\*

That this law is not a dead letter we have had a proof under our own eyes, not very long ago, in a case, not indeed of clerical heresy, but in the analogous one of alleged clerical immorality. The archbishop, upon a charge of this kind being made against one of the rectors of this city, sent, as you may recollect, the case before a jury. The presiding judge, displeased at the revelations that were made, took the liberty of animadverting in rather strong terms on the archbishop for not having called the case before himself, and "decided it in his study:" whereupon Dr. Whately was obliged to come out in his own defence, and by stating that the law left him no such power, at once vindicated himself, and exposed the ignorance and temerity of his "learned" assailant. The judge only saw the common-sense of the matter; but he forgot that the law is very often at variance with common-sense, particularly upon Church

\* That this is the case under a writ of *quare impedit*, admits of no doubt; and this suffices for the argument. But under the impression that the passage quoted above gave a rather exaggerated statement, the lecturer consulted some legal friends, whose answers were fully corroborative of the doctrine as laid down in the quotation.



matters; and that, whenever this is the case, the Church always bows to the law which pays it, and repudiates sense and dignity together. In accordance with this rule, it is a thing agreed, that twelve honest men on their oaths,—the tinker, the tailor, the cobbler, *et hoc genus omne*,—are better judges of ministerial fitness in point of doctrine or conduct, than the bench of Anglican bishops; and it is not for you or me, my friends, to say how far they are mistaken. But can we hear them talk of their “independence,” and not answer them by derision? No. There is not a step this Church can take in any one direction, that is not liable to be checked and crippled by the courts of common law; and it is only by the forbearance and sufferance of these courts that she can enforce the least of that wretched remnant of discipline that remains to her. Can we wonder, after this, that the courts of common law look down upon the Church courts and their proceedings with so much of disdain? Take, as a specimen, even the grave Blackstone—how limpid the sarcasm distils from his classic pen! “The common law,” he says at page 102, book iii., “compassionately steps in to the aid of the ecclesiastical jurisdiction, and kindly lends a helping hand to an otherwise tottering authority.....These timely aids,” he continues, after enumerating them, “which the crown and statute laws have lent to the ecclesiastical jurisdiction, may serve to refute that groundless notion, which some are too apt to entertain, that the courts of Westminster Hall are at open variance with those of Doctors’ Commons. It is true that they are obliged to use a parental authority in correcting the excesses of these inferior courts, and keeping them within their legal bounds [the very assumption that caused the disruption of the Scottish Church]; but, on the other hand, they afford them a parental assistance in repressing the

insolence of contumacious delinquents, and reserving their jurisdiction from that contempt, which, for want of sufficient compulsory powers, would otherwise be sure to attend it." Poor degraded Church, how art thou not patronized! "The courts of common law," the commentator proceeds, "have the superintendency over these courts [of the Church], to keep them within their jurisdiction, to determine wherein they exceed them, to restrain and prohibit such excess, and, in cases of contumacy, to punish the judge who enforces the sentence so declared to be illegal.....If these courts refuse to allow such Acts of Parliament as concern them, their extent of jurisdiction, or the matters pending before them, or will expound them otherwise than as the common law expounds them, the courts at Westminster will grant prohibition to restrain and control them." And it is to tribunals like these, so despicable and so controlled, that the dearest interests of mankind, the interests of their immortal souls, the maintenance of discipline, the amelioration of morals, the integrity of faith, and the purity of worship, have been committed by the constitution of this Church! And this Church will say it is from God!

From all these tribunals an appeal lies by the 25th Henry VIII; and to whom? The Bishops? The Presbyters? Not the least of it. But to the lay sovereign, lady, gentleman, or stripling, as the case may be, who happens at the moment to occupy the throne. From this high authority there is no appeal. Now, how does the crown exercise its jurisdiction in these spiritual matters? It delegates its power to other laymen; and the principle of lay jurisdiction is faithfully carried out through the entire system of Church government from end to end. "There are temporal judges," complained the learned Bishop Gibson a century ago, "and temporal

lords appointed, as delegates of a lay magistrate for the final determination of matters confessedly spiritual." "Nay matters," he elsewhere adds, "more verily and undeniably of an ecclesiastical nature than any others, being purged of all temporal matters before they arrive at that court!" "The first statute of appeals [passed, be it observed, the year before Henry separated from the Catholic Church] *expressly limits the cognizance of spiritual matters to spiritual persons.*" Whereas, "this second statute [passed immediately on the separation], which entitles the king to the ultimate cognizance by commission, does not limit him to any other person, but leaves him wholly to his own choice."\*

The king, queen, or boy-prince, is, then, by a fundamental article of the Church of England, the ultimate judge in all spiritual causes! And what is his first judgment? It is this;—that in every case, laymen without a particle of ecclesiastical education, may be presumed the fittest to exercise that high, that important jurisdiction, to pronounce irreversible decrees upon all possible questions affecting Christian worship, discipline, and doctrine—to sit in judgment upon the bishops of the Church, upon their lives and their doctrine, without the aid of a single bishop; for by a recent law, when it is a presbyter who is being tried, they must call in the aid of an episcopal assessor; but when it is a bishop who is on his trial, then the laymen are the exclusive judges; the bishop must retire from the judgment seat.† And all this, be it never forgotten, by Divine right! To your majesty, says the law, "*by holy Scripture is all authority wholly given, to hear and determine all manner of causes ecclesiastical, and to all such persons as your*

\* Gibson's Codex Juris Anglicani.

† So described by the bishop of Exeter, Charge, p. 45.

majesty shall appoint thereunto." Now the very first canon of the Church of England stamps her solemn sanction upon this law. And what right after that has any English churchman to complain of any appointment the crown may make of ecclesiastical delegates, or of any decision such delegates may come to? They have subscribed the articles of their degradation; handed over their Church, bound and manacled, to the powers of this world; and this they did, thanks be to God, at the same moment in which they separated from the ancient Church; they have thereby made it a *human* Church; and a human Church, in their despite, it remains, appropriately governed by mere human authorities. But let us see the qualifications these best of all possible judges bring to their task.

"I will venture to affirm," says Lord Brougham, in his celebrated speech on law reform in 1828, "that the Delegates is one of the worst constituted courts which was ever appointed, *and that the course of its proceedings forms one of the greatest mockeries of appeal ever conceived by man.* And I shall demonstrate this to you [he was addressing the House of Commons] in a very few words. The court is thus formed. You take three judges from the common law courts,—one from each; to these you add some half-dozen civil lawyers, advocates from Doctors' Commons, who the day before may have been practising in those courts, but who happen not to have been in the particular cause in respect of which an appeal has been asserted. Now only see what the consequence of this must be. The civilians forming the majority of the delegates are of necessity men who have no practice, or the very youngest of the doctors. So that you absolutely appeal from the three great judges of the civil and maritime courts,—from the sentences of Sir William Scott, Sir John Nicholl, and

Sir Christopher Robinson,—of those learned and experienced men, who are to us the great luminaries of the civil law,—the venerated oracles best fitted to guide our path through all the difficulties of that branch of the science, and open to us its dark passages,—you appeal from them to judges, the majority of whom must of necessity be the advocates the least employed in the courts where those great authorities preside, the most recently admitted to those courts, and the most unqualified to pronounce soundly on their proceedings, if it were decent they should pronounce at all; for out of so small a bar, the chances are that the three or four eminent advocates have been employed in the case under appeal. Thus the absurdity is really much the same as if you were to appeal from a solemn and elaborate judgment pronounced by my Lord Tenterden, Mr. Justice Bayley, Mr. Justice Holroyd, and Mr. Justice Littledale, to the judgment of three young barristers called but the day before, and three older ones who could never obtain any practice.” And all this absurdity has been entailed upon poor Church by the necessity of sustaining her ridiculous figment, that the Crown is supreme in all ecclesiastical causes by Divine right! And the Sacred Scriptures themselves are dragged in to the support of a pretension too gross for common sense! “To your majesty,” are the words, “and to *all* such persons as your majesty may appoint, &c. and *by holy Scripture.*”

Struck with the preposterous anomaly, the archbishop of Canterbury, and the other commissioners appointed in 1830, hastened, without staying to enter on any other portion of their task, to recommend the abolition of this Court of Delegates. But they could not recal the past, nor effect that it had not been the court of supreme ecclesiastical appeal from the first hour of the Reforma-



tion down to the year 1832. The recommendation, however, was acted on, and the *Delegates* fell, as all the rest have fallen, or will fall, by the weight of its own rottenness. It is now the Judicial Committee of the Privy Council that has the final determination of all ecclesiastical causes,—an arrangement whereby it is effected that, whereas in the old system the judges had the benefit, such as it was, of the advice of some persons connected with the practice and administration of ecclesiastical law, they have now no such assistance at all; and questions like that of Mastin against Escott, involving matters of the highest spiritual and theological interest, are decided definitively by an ex-Lord Chancellor, an ex-Lord Chief Justice of the Court of Common Pleas, a puisne judge of the same Court, and the judge of the Admiralty,—“four persons,” says the poor bishop of Exeter, “of high character and very high attainments, but not exactly such as any one man in the realm would have selected to ventilate the questions which they, whether necessarily or unnecessarily, connected with the point they had to decide.”\* What is the consequence of this state of things, and of the constitution of the Church Courts generally? The archdeacon and clergy of the East Riding of York will tell us, in that petition before referred to as having been unanimously adopted by them, and presented last year to Parliament through the hands and under the sanction of the bishop of Salisbury, in which they say that “the questions submitted to the decision of these Courts are of a nature wholly or in part spiritual, *and deeply affecting the doctrine, discipline, and polity of the Church of England*; and for the due exercise of such powers, and the satis-

\* Charge, Sept. 1842.



factory settlement of such questions, it is necessary that the advice and assistance should be had of persons who by a long course of study and professional education are well imbued with sound principles of religious knowledge and theological learning, and more particularly with the doctrines, discipline, and polity of the Church of England, as declared in her articles, liturgy, constitutions, and canons. Such qualifications can, in the ordinary course of affairs, be only expected, or found to exist, in the bishops and clergy of the said Church; and for want of such advice and assistance as aforesaid, *various errors in spiritual doctrine*, and various infractions of the rights and privileges of the said Church, have received the sanction of public authority." There is what a large and respectable body of clergy told the collective wisdom of the nation in 1843, and it is but an echo of what has been said in similar petitions almost annually for the last ten years. And yet these Courts are, and take care to boast themselves, "the *authorized* expositors of the Church's views;" and they propound definitively and with authority doctrinal decisions which the archbishop of Canterbury and the whole hierarchy of England dare not so much as meet to propound, or, if erroneous, to gainsay. And yet the clergy of the East Riding could in this same petition talk of "that *pure* portion of the Church of Christ now happily established in England!" But the coolness of assertion of these gentlemen is, after all, a matter comparatively of very trifling importance. It is to see immortal souls the victims of such a system for the last three hundred years, —that is the sadly important feature in the case. What is the crime of this haughty nation, that the Dread Avenger of human guilt should thus permit it to cling for so long a period to such a system as divine? I know

not. He will reveal the mysteries of His awful judgments to no man. But this I know,—that it is after this fashion He is accustomed to curse and to chastise the proud, but, most of all, the intellectually proud. “They became vain in their imaginations, and their foolish heart was darkened. Professing themselves to be wise, they became fools.”\*

I have done with these Church courts. A grave authority, Lord Denman, has, in his place in the House of Lords the other day,† spoken of these courts as so many “public nuisances.” And in so designating them, his lordship seems to have but expressed a strong and widely felt impression. Still to these nuisances is to be reconsigned the safe keeping of the doctrine, discipline, and sacraments,—that is, of the entire spiritualities, of the Church; because if they were to be done away with, the proctors’ fees would suffer, and in a case of collision between the interests of religion on the one hand, and the sordid interests of this world on the other, there can be no difficulty in this Church as to which should be postponed. Nay, the lord bishop of London, who for the last fourteen years has, with five others of his brethren and the principal law authorities, been undermining these courts in the public estimation, and calling for their abolition, now suddenly discovers, under the opposition from without, that they are “ancient, and that, *provided they be not presided over by clergymen*, they will be a great support and consolation to the bishops.”‡ What strange gyrations state-bishops must perform! But then the English like these things, or

\* Rom. i. 21, 22.

† April 1.

‡ Speeches in the House of Lords on March 27th and April 1st, as reported in the *English Churchman*.

surely they would not pay so dearly for them. The consolation, however, which his lordship speaks of, is not, we may without pretending to the gift of prophecy predict, in store for him for any length of time. It has not been in vain that he and his episcopal coadjutors have spent two apprenticeships in damaging the reputation of these courts. And the public will assuredly look for some better reason for their retention than the peculiar taste of his lordship in looking to such a source for consolation; while the clergy themselves may not be disposed to think that public nuisances would become perfectly pure, provided they (the clergy) had nothing to do with them.\*

But, as I have said, I am done with the Church

\* Just as these pages are going through the press, the bill for re-establishing the diocesan courts is passing through the Commons. The very government that proposes it, seems to writhe under the necessity which it pleads as its apology for making such a proposition. Four, the gravest commissions that ever sat, have independently pronounced the condemnation of these courts. Yet the avowed inability of those who propose reinstating them to defend them, seems to the author something more condemnatory than even the condemnation, so solemn and persevering, of the episcopal commissioners themselves. Their re-establishment will furnish a curious chapter in some future history of the Church courts. Sent into the world to administer justice on an enlarged scale, they are blasted by the very breath that renews and extends their jurisdiction. They are empowered to punish contempt, by the very men who acknowledge their slender claims upon respect. They are so very indefensible, that the act itself makes provision for their easier abolition on some future day; yet a new interest is created, to make that abolition all but impossible. Such is legislation in the nineteenth century! One thing, however, we are thankful for. They are universally voted "nuisances," but nuisances, it seems, which not the proctors, who are compensated, but the bishops, who desire patronage, require to be continued. This was our mistake, when writing the text. It is right we should know to whom the public are indebted.

Courts. It only remains that I should add a word upon that to which, if I did not, however cursorily, refer, I should feel that I had left my task incomplete;—I mean the spectacle presented by the Church, as it stands confronted with its temporal masters in the upper house of Parliament. That performed, I close the subject, and release an attention for which I cannot sufficiently express my thankfulness, as having been both kindly and patiently bestowed.

It is not necessary that I should try to depict to you the movement called *Tractarian*, or its effects upon that Church to forward whose interests, and repair whose breaches, it was originally concerted. Its acknowledged leader, Mr. Newman, has spared me that trouble, when, in his now celebrated sermon on the *Notes of the Church*, he has eloquently as truly said, that “controversies and furious quarrels have so multiplied within her pale, that not only one, but a hundred Gospels prevail there, each with its own hot defenders, till the very note and symbol of the Church is discord;” “and we,” he says, “wrangle and denounce, and call it life; but peace we know not, nor faith, nor love.” Now, in such a condition of things, it was natural that the public eye should be turned to the bishops, and that men should ask what they were doing, or about to do. But the illusion under which such questions would be sure to be put, could not last. It soon became apparent that the bishops, in this death-struggle of all that must be dear to them, could do—*nothing*. The archbishop of Dublin, if there could be any lingerings of such an expectation, has put an end to them for ever, by frankly avowing “that on most of the points [controverted within the Church] a bishop’s declarations have no more weight, except what they may derive from the deference paid to his personal character,

than any anonymous pamphlet would have. The points are mostly such as he has no *official* power to decide, even in reference to his own diocese; and as to legislation for the Church, or authoritative declarations on many of the most important matters, neither any one bishop, nor all collectively, have any more right of this kind than the ordinary magistrates have, to take on themselves the functions of Parliament.”\*

Now this is distinct. Let us see under what circumstances it is that the right reverend prelate makes this avowal. It is under circumstances the most appalling for a bishop to contemplate,—circumstances which, in his place in Parliament, he, with the consent of his brethren, described as “dangerous, disgraceful, and ruinous, not only to any such body as the Church, but, indeed, to any community;” “productive of doubts, perplexities, and heartburnings;” and entailing “scandal, discredit, and danger, upon the Church of England.”† These were the words he used in describing the existing condition of his Church, in the hearing and with the consent of his episcopal brethren, not on one, but repeated occasions, when he seems to have exhausted the whole vocabulary of alarm in trying to rouse those he was addressing to a sense of the danger impending over that Church, and of the necessity of coming to her rescue. He was followed on those occasions by others of his brethren in the same strain, while not one rose to contradict him. And, indeed, that man would be received with looks of astonishment, who would venture to gainsay that which is in itself so notorious, and so incapable of being disguised.

It is under these circumstances that the archbishop

\* Charge of 1843, p. 22. † Speech, reported in Append. to Charge.

acknowledges that neither any one, nor all the bishops of Anglicanism together, have authority or power, *by virtue of their office*, to interpose to save their Church, and avert the impending ruin! The first conclusion, then, plainly is, that their commission does not come from the Holy Ghost. For, to such it has been said: "Take heed unto yourselves, and the whole flock over which the Holy Ghost hath set you bishops, to govern the Church of God, which he hath purchased with his own blood.\*" If the Holy Ghost had had anything to do with committing this care to the Anglican bishops, He would not have left them so utterly destitute of all authority for the task, as by their own avowal it now appears they are.

But then the archbishop is not a man to give way to despair, even in such desperate circumstances. "That the existing state of things," he says, "in these respects, is neither creditable nor safe for the Church, but is pregnant with scandal and danger—a scandal and a danger daily augmenting—has long been, as you are well aware, my own conviction. *And I could not enjoy a quiet conscience, if I thought that anything within my power had been left unattempted towards obtaining a remedy.*"† We have only then to attend to what the active and energetic prelate has done, to know what Anglican prelates, in the total want of all *episcopal* right to interfere in such a case, can do *extra officially*; and what are the hopes and resources of Anglicanism, in a crisis that menaces her very existence.

The archbishop appeals, and has the entire and repeated approbation of his brethren in appealing, to the civil legislature, for its interference in the case, as the

\* Acts xx. 28.

† Charge, *ibid.*



only body that has a *right authoritatively to interfere and legislate for the Church*; or, in case it should not think well of exercising this power directly and by itself, to *permit* others to exercise that power for it. *There* is the resource—the only available resource for the Church, in this agony of its existence. The Church which, through its bishops, could make this avowal, is irredeemably Erastian.\* It is simply a question of evidence whether archbishop Whately and his brethren did really make such avowal, and proceed on such principles, or not. The conclusion, if the fact be as alleged, is inevitable.

But we have the *authorized* reports of the archbishop's speeches in Parliament in 1840 and 1843, on occasion of presenting petitions from certain bodies of clergy and laity, praying for the establishment of a Church legislature; together with the debates on those occasions, and the petitions that led to them. It is only necessary to consult these documents, in order to ascertain the accuracy of the statement that has been made. For the sake of brevity, I confine myself to the report of the speech of last year, as given in the appendix to his grace's Charge. In that speech, his lordship says distinctly that "Parliament has *alone* the power to legislate for the Church."† And that by the word "power" he means *right*, is plain from the context. He declares "solemnly, that *rights* carry with them *duties*, and above all legislative rights; and if the Parliament, which had alone the power of legislating for the Church, did not

\* This term is derived from Erastus, a physician of Heidelberg, who maintained that none save the civil magistrate had a right to carry the sword of excommunication; and is applied to those who maintain that religion is an affair of state.

† P. 30.

consider its intervention on this subject proper, it was the *duty* of Parliament to *permit* some other body, whose province it should legitimately be, to interpose with a regular and recognized authority for the settling of the disputes and dissensions now unfortunately prevailing. He alluded, of course, to spiritual matters alone—matters of doctrine and discipline.”\*

The Parliament then, and the Parliament *alone*, has the power,—a power based on right, for otherwise it could not be a duty to exert it,—to legislate, or, declining to do so, to appoint *some* other body in its stead to legislate, on its behalf, for the Church. Neither the bishops, nor any other portion of the clergy, nor the whole body of the clergy together, have this right. This is the first and leading avowal in this distinct and comprehensive declaration. It is an undisguised avowal of Erastianism.

But since the power authoritatively to legislate supposes the duty to obey, it follows that the clergy are bound to accept whatever regulations in doctrine and discipline Parliament may impose, or may empower the body which it should choose to invest with the desired legislative authority to impose, were that body even an exclusively lay body. Can there be ranker Erastianism?

But suppose the Parliament, in this exercise of its sovereign will, to install the bishops themselves, and such other ecclesiastics as might be desired, as a Church legislature,—even in this case, the Church would be Erastian as ever. Because it would ever remain a fact, that its power was only derivative and subordinate; the creature of a Parliamentary enactment, which should be the measure of its powers, their nature, range, and

\* P. 30.

duration; and liable to be recalled at any moment that another Parliament should please. The *radical* power of regulating the doctrine, form, and discipline of the Church, would still remain where it originally was. By creating a subordinate legislature, the supreme legislature could neither forfeit nor abdicate its own powers. On the contrary, it would assert them in the most emphatic way,—by displaying their highest exercise in the creation of such a legislature. How eloquently then do not these sentiments of the archbishop,—and they were listened to with approbation, and have been since referred to with praise, by his episcopal brethren,—proclaim the Erastianism—the radical, incurable Erastianism—of the Anglican Church!

I have said that they were listened to with approbation by his grace's episcopal brethren. There was one exception, in the person of Dr. O'Brien of Ossory. But that exception, in place of weakening, strengthens my assertion in the only sense in which I wish it to be understood,—namely, as averring that Dr. Whately and his brethren, on the occasion referred to, and similar previous occasions, laid down the doctrine that Parliament was alone competent to provide for the legislative wants in spirituals of the Church. Whether Parliament should at the time be called on to use this its power or not, was not so unanimously agreed on. Dr. O'Brien held that it would be destructive to the Church to attempt to revive its legislative powers. But in declaring this to be his opinion, he took especial care to say that he did not differ from Dr. Whately as to the general *principles* on which he grounded his application to Parliament. It was only as to the *expediency* of that application at the present moment that he ventured to disturb what he called “the unanimity of the bench.”

How admirable are the ways of Providence, in thus compelling, as it were, an entire episcopacy to come forward year after year,—for the thing has been going on for years,—and from the highest pinnacle in the realm, their place in Parliament, proclaim to the nation and the world that they are, as bishops, powerless, and that their principles are thoroughly Erastian!

But Dr. O'Brien's statement makes the case worse, if worse it well can be. He has written a pamphlet to justify,—and he has, if one in my situation may be allowed to give an opinion, succeeded in justifying,—his dissent from the other bishops, as to the expediency of reviving convocation or any similar body at present. He shows that the very evils in his Church which call loudest for a remedy, repel the only remedy applicable. He equivalently represents the Church as an invalid so rotten, that, touch her, and she falls in pieces. To treat her, would be to precipitate her out of life.

We do not envy the Church whose chief pastors are thus obliged to describe her condition. Nor can we do other than pity those who, after such a description, can sit contentedly within her walls.\*

But there is one passage in the petition itself that gave rise to the discussion, which we cannot refrain from citing. This petition has been presented, if I do not mistake, in two successive sessions, and will likely be presented anew in the present session of Parliament. It is moreover fortified by episcopal signature, as well as by episcopal support. It appeals to Parliament on these grounds, that

\* The lecturer makes no particular quotations from Dr. O'Brien's pamphlet (on the expediency of restoring to the Church her synodical powers). The pamphlet is short, and its perusal will fully bear him out. See an excellent article, the leading one, of No. XXX. of the *Dublin Review*, on this subject

the Church of England and Ireland ought to be “permitted [that is the word] to possess within herself such a power of regulation in her distinctly spiritual affairs, as may best promote the due discharge of the sacred duties required of her ministers, and provide for the religious discipline of her own members.”\* Upon these words of the petition I have but one observation to make. Christ, in founding his Church, “not having spot or wrinkle,” did not leave her so bereft of *power within herself to look after the due discharge of the sacred duties of her ministers*, as to require that she should apply to the authorities of this world to supply the defect. He was not so wanting to Himself,—to His work,—nor to the redeemed of His blood. Neither did He leave so important a matter to be regulated by the whim, the caprice, the worldly, often wicked, policy, of evil-disposed governments. The Church, by consequence, which requires of *a Parliament* to give it such a power, is not *His* Church. It may be Anglican, Reformed, or whatever else you may choose to call it. But it is of all self-evident things the most evident, that IT IS NOT THE CHURCH OF CHRIST.

These annual exhibitions are highly useful. They expose before the world all the uneasiness and shame which the most inveterate foe of the Establishment could desire to lay open,—a set of Christian bishops shorn by a lay authority of the principal function of their office, that of providing according to their wisdom for the wants of the flock which looks up to them as pastors; complaining of evils which they want the power or the spirit to consider, much more to redress; with a Divine commission, as they pretend, on the one hand urging them

\* Petition, Appendix to Charge, p. 26.

to their duty, and a piece of parchment on the other scaring them from its execution ; and deeming all the while that they absolve their consciences for the shameful neglect of the one, and servile and slavish deference to the other, by occasionally coming forward and whining before a lay assembly, because that assembly holds them fast in its degrading thrall, and will not let them act. Did they really feel that they hold their title to govern the Church by a Divine commission, could they endure the reproaches of their own consciences, and not rather burst through all the restraints of mere human laws, justifying themselves to their rulers, as did the first teachers of the Gospel—" Judge ye, yourselves, if it be fit we should obey men rather than God." But no. These right reverend personages are too courtly for such an exhibition of vigour, unless, indeed, shame and the pointed finger of public scorn should stimulate them into something like episcopal energy. Even then they would be powerless. The minister would only calmly survey their impotent rage, and folding his arms exclaim, like his wily prototype of another age and country, in a somewhat analogous predicament :

" Quam frustra, et murmure quanto!"

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My lord, I have done, and, truth to say, I rejoice at it. In the earlier part of this enquiry I was sustained by the ardour of a novel pursuit, and the surprise and indignation generated by each successive discovery of turpitude and servility which it brought to light ; but now I must own to feelings far more subdued,—feelings



partaking of disgust and melancholy; for is it not melancholy to see the fair domain of Christ turned into a wild and dreary waste, without one green refreshing spot upon which to repose the meditative eye from the scene of desolation that stretches around? The Church of the Alfreds, and the Edwards, and the Bedes, and the Anselms, and every high historic name that is associated with the glory, and embalmed in the recollection, of an admiring posterity,—a Church once fruitful in saints and doctors, and under whose ample shade sprang up into vigorous maturity every noblest institution that adorns the land, and ministers to the freedom and the happiness of a great people,—to see, I say, a Church like this made the vile and abject thing I have been obliged to place before you, can it be other than melancholy?—and incomparably more melancholy still, to reflect upon the millions of immortal souls who have gone to their long account with no better shield between them and the terrors of an awful judgment, save what could be afforded by such a wretched, rickety, and dwarfish counterfeit of Christ's all-glorious Church? And yet how easily might this bill of indictment against this Church be extended! Has not, for instance, one of the most active and zealous of her own adherents,\* placed upon record and revealed to the world, only the other day, an amount of iniquity and abandonment of duty, or inaptitude for its performance, sufficient to defeat the claims of any Church or ministry in the world to the appellation of the Church of Christ? Heathenism triumphant in the very bosom of the boasted Establishment! Heathenism of mind and heathenism of morals! Whole sections of the community in town and country,

\* Lord Ashley.

—the sections most interesting to a truly Christian priesthood, as being at once the most necessitous and the most docile,—abandoned to all the horrors of vice and ignorance, without an effort to redeem them; and this by the most boasting clergy in the world, with the fullest supply of resources at their command! Yes; large classes of the people so sunk in the densest darkness of ignorance, as not to know the God that made them, or the Christ that redeemed them; or know, only to blaspheme Him. While, as a necessary consequence, riot and debauchery know no restraint, not even the restraints of natural shame! These poor creatures have been as unregarded and forgotten, as though their place was blotted out from the map of humanity, or their immortal souls did not form a part of the scheme of Christian redemption. There have they been left to vegetate and die, generation after generation, unknowing any other rule of action save the impulse of each wayward passion; or any other end of their being, save its lawless gratification. And all this time the priesthood of “this pure portion of the Church of Christ” were to be seen flitting, like so many painted butterflies, through my lady’s drawing-room or boudoir; or glozing in the great man’s ear at each fashionable watering-place, deploring in pathetic strains the influence of this or that agitator, and the encroachments of this or that reform! Ah! did these poor wretches pay tithes, their existence and their condition would not have been allowed to remain so long a secret. But as it is, they have been abandoned in their hour of peril to the invasion of the ravening wolf, and the depredations of the unpitied marauder, “for the hireling hath no care for the sheep, because he is an hireling, and not the shepherd.” They count them, indeed, in the census of their people, and

they will not suffer them without a struggle to be omitted in the enumeration of their adherents; but it is like David in his pride, counting the people for the purpose of a vain display, or for the promotion of some favourite political project. It is by the head they poll them off, and not by "their names written in the book of life." This, says Christ, is the test of my mission, and of its divinity, that "to the poor is the Gospel preached." Apply that test to the Anglican Church, and you destroy it. There, it is matter of Parliamentary record, the poor have *not* had the Gospel preached to them. Let then this vain Church, or its indiscreet advocates for it, continue to boast of the enlightenment of its clergy, and of the polish and the elegance of their acquirements;—be it yours, my reverend friends, to boast the Light that enlighteneth every man, be he rich or poor, that cometh into this world; but most those who sit in the darkness of the shadow of death. Leave it to these disdainful children of pride, and their political sages, to contrast, as *they* think, unfavourably, the perfumed delicacy and enervating refinement of their dainty priesthood, with the noble simplicity and healthful vigour of the priesthood of this country. But to go down with suffering humanity into the pit, or the mine, or the hiding-place of whatever name,—but to walk with it, like the Preserving Angel, through the fire of its tribulations, till you bring it back unscathed into the cheerful day, there to walk in the light, and grace, and freedom of the regenerated sons of God,—but to exhibit to the world your people radiant in faith, and in the lustre of reprimed morals,—be this your "vulgar" ambition,—be these your "ungenteel" achievements,—these *your letters of commendation, written, not on tables of stone, but on the fleshy tablets of the human*

*heart!* For her,—effete, decrepit, and worn-out thing of three centuries,—she is, by her own confession, a Church without discipline; having formularies, but no faith; articles, but no creed; doctrines but to be disputed; an altar without sacrifice; sacraments without grace; a convocation without utterance; an episcopacy without power; a people without morals; preaching and a priesthood without efficacy and without fruit;—I turn from her with loathing, and I pause for relief.

Why then, it may be asked, have I troubled you and myself with the disgusting detail? I answer, by reason of its interest and its importance,—an interest arising from its importance; and an importance which, however painful, makes it still interesting; an importance and an interest which, at all times great, was never more so than at this moment.

“When,” says the preacher-bishop of Clermont, “we would correct the insolence of some unhappy offspring of crime, we have but to recal him to the circumstance of his birth; and so too have we but to point the attention of each sect to the disgrace of its origin, in order to cover it with confusion, and whelm it in shame.” The history of the Act of Submission is that tale of shame for the Protestant Church of these realms. It exhibits her in her true colours, as a slave,—a slave to that world she should, if she had really a vocation from heaven, have herself disenthralled from the enchantment of error and passion; a slave with the full assent of her own depraved will,—self-sold, and in raptures with her chains. Her liberties were cloven down in no battle-field, nor was she surprised, like another Sampson, while, under a temporary spell, she lay relaxed in the lap of a false security. But, dazzled and attracted by the glare of this world’s grandeur, she rushed, like those foolish

insects that fly against the taper's blaze, into the arms of the State; and losing there the wings of heavenward soaring, sank, never to rise, a crawling thing of earth. She became a willing slave, for the most sordid of considerations. The State accepted her services, used her as an instrument, and is ready, whenever the same state-expediency that first called her into existence shall demand the immolation, to reconsign her to the nothing from which she originally sprang.

It was the dread of this fate that first suggested, as we have seen, the idea of trying to set up a claim to independence; but, unless I am greatly deceived, that claim, if persisted in, will only serve to bring down upon her the derision of the country, and precipitate her fall; for, as I have shown, it is utterly and ludicrously baseless. Whether it will be followed up, time will reveal. Meanwhile, let me enquire to what purpose it is that this Anglican Church teaches, when it is clearly demonstrable that she has no authority, save a human authority, to teach at all? "Scias nos curiosos esse non debere quid doceat, cum foris doceat."\* Like the false prophets of old, she says: "The Lord saith, when the Lord hath not sent her." And like those prophets too, she must be rejected. The Puseyite doctors set out with saying that the Church of England is divine, and that she is, therefore, independent. I accept the connexion between these two propositions; I acknowledge the *vis consequentiæ*, as it is termed, between them; but I reverse and transpose them, and say, as, after the proofs I have given, I am entitled to say, *the Church of England is wholly and in every part dependent on the State, and THEREFORE SHE IS NOT DIVINE.*

\* S. Cyp. Epis. 65. Ad. Antonian. Epis. In Ed. Paris. Epis. 52.

She can do no act, utter no sound, effect no result, but as she is prompted by the state. When she acts, it is the state which acts by and through her. She is but a convenient mask, to disguise and keep out of view the real agents in the case—her temporal masters. From herself she has no inward impulse, no principle of life, no spring of self-action ; she is but a piece of state mechanism clumsily put together, ready to fall in pieces at every shock, and requiring at the hands of her original maker,—the legislature,—constant refittings and remodellings to bring her into harmony with the social system, and the changes that are going on around her. The state controls her deliberations, guides her councils, dictates her decisions, or strikes them with her ban, and they are none ! The state presides in her judicatories, and revises and reverses her awards. The state makes and unmakes her bishops, makes and unmakes her discipline, *makes and unmakes, as I am ready to prove, her very dogmas !* She is at this moment torn and convulsed by internal dissensions,—not alone among her people, but her pastors ; and, although the strife rages, and schism is preying upon her vitals, she possesses within her no recuperative force to purge the virus from her veins. Like the Hebrew mother, she carries in her womb two hostile nations, and they are threatening her existence, yet she is unable to expel them from her loins. Her divines are hurling anathemas at each other, and *heretic*, and *heterodox*, and *traitor to Church vows*, and every term of reproach which the foul vocabulary of theologic spite can supply, is in requisition to evince the cordiality of hate with which they regard each other ; yet, though they demonstrate that one at least must be right, and in all probability both, still the heresy, the unsoundness remains ; she is unable to clear it out from



her system ; and why ? *The state will not let her.* They are clamouring for the guilty one's excommunication, but in vain ; *the state will not permit it.* The people are distracted ; their guides beckon them in contrary directions, and all these diverging ways, save perhaps one, must lead to death. Why does she not point out which they should follow ? *The state will not let her.* Opposed to each other as night is to day, one party at least must be in darkness. Why leave the simple multitude to be led by "blind leaders of the blind" ? Why not take her light from under the bushel, and place it on the mountain top, that her children may rejoice in its radiance, and start back from the pit-fall that yawns at their feet ? *The state will not let her.* One portion of her bishops proclaims with Dr. Philpotts to the world, the "vast, the incomparably vast" importance of unity, while another portion laments, with Dr. Whately, that this unity is shattered in a thousand pieces within her pale. Why does she not arise and snatch from their sacrilegious fury the seamless garment of Christ ? *The state will not let her.* Her formularies are ambiguous. Why does she not cease to speak with stammering lips ? *The state will not cut the ligaments of her tongue.* And why will not the state loose the bonds from off the neck of this captive daughter of Sion ? Is it with the case of Scotland's Church staring him in the face, that any one would ask that question ? Are not the minister's difficulties sufficiently multiplied and formidable without unchaining another rabid animal to assail and tear him in pieces ? Or, think you, does he not know that it is the peculiar attribute of Protestant synods to let loose the theologic passions, and multiply dissent ? No ; he feels that there are parties enough in the state without adding to the jarring elements. And

are the movements of the Church, then, to be determined by policy, and regulated by state views, to the postponement of every higher consideration? Notoriously so. This "pure portion of the Church of Christ" must wait upon the time and convenience of this world, in guiding her children to the next. True; the Saviour has cursed this world; but no matter, it is right and fitting, or surely it would not be, that this world should enjoy the power, so graciously accorded it by this "pure" Church, to prescribe and limit her functions, and quicken or arrest her movements at will. "My kingdom," says Christ, "is not of this world." Mais nous avons changé tout cela, "and my kingdom," says the Church of England, "is wholly of this world." In such a Church, to repeat the words of the late Dr. Arnold, "the notion of apostolical succession is *absurd!*"\*

\* Sermons, iii. appendix, p. 436. The entire passage is worth quoting: "With a ministry such as that of the Church of England, the notion of apostolical succession is absurd. Our clergy are neither *priests* nor *governors*. And if there be no divinely appointed succession for our kings and parliaments, who are the *only* supreme governors of the Church, it is impossible to suppose that such a succession can exist in the case of the clergy, *who are subordinate ministers, with no independent power in the Church whatsoever.*"

THE END.

## APPENDIX.

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It was intended to have here shown the continued exercise, down to a very recent period, of authoritative interference on the part of the Crown and Parliament in the purely spiritual affairs of the Church; such as the determination of points of belief, canons of discipline, modes of worship, and the exercise of the functions of the ministry, together with the acquiescence of the Church in that interference, as an exercise of rightful and regular authority. But these pages have so much swelled beyond the limits originally contemplated, that it is thought more advisable to suppress this addition. For the same reason, are suppressed remarks on the Spanish Inquisition referred to at p. 116.

*Page 190.—Mr. Newman's Note on Prayer for the Dead.*

“Prayer for the Dead, in the early Church, was peculiarly connected with the Holy Sacrifice (S. Aug. Confess. 9, 13, 4. supra, bk. 18, ch. 56), but not by any means exclusively. The anniversary of the departed brother's death was considered the most appropriate *time* (Tertul. de Exhort. Cast. c. 11; de Monog. c. 10; de Coron. Mil. c. 3), especially in the case of the Martyrs (S. Cypr. Ep. 37, [36], 34, [33]); and for the *place* the Martyrs were commemorated at their graves (Euseb. Præp. Evang. 13, 11), “(κοιμητήρια, dormitoria), which were not unfrequently caves (Cryptæ, Catacumbæ), and therefore peculiarly convenient in times of persecution.” Giesel. vol. 1, § 70; so that we find the Christians forbidden to assemble there by the Pagan governors (Ep. Dionys. Alex. ap. Euseb. 7, 11, A.D. 247, and Eus. 9, 2, A.D. 305). Altars were raised over the Martyrs' graves (De Civ. 8, 27), and Churches (Not. Var. in Eus. 9, 2), after the persecution under Dioclesian; and churches

moreover were enriched with their relics. (See p. 103, note q, and Cf. Ep. Eccles. Smyrn. de Martyr. Polyc. ap. Euseb. 4, 15.) In these places, then, Martyrs were commemorated, and others from a pious feeling would be deposited in a Martyr's Basilica (S. Aug. De Cura pro Mort. gerend. c. 5, (7), tom. 6), a practice which St. Augustine approves, on the ground that the living would be thereby better reminded to pray for the departed. In the Apostolical Constitutions the Oblation is made for all who had lived well-pleasing to God from the beginning of the world (lib. 8, c. 12.)

"Prayer for the Martyrs, at least in the time of St. Austin, took the form of thanksgiving; he declares it to be 'an injury' to pray in any other sense for those, 'to whose prayers we ought to be commended,' Sermon. 159. (17 de Verb. Apostol.) tom. 5, p. 765, c. 1; for the other faithful dead intercession was made. However, St. Austin declares that Rom. 14. 10 is by no means contradicted by this custom, for 'unless a man so lived here as to have obtained this merit, viz. that prayers offered for him may profit him, they are useless.' Enchirid. 109, 110 (29), tom. 6. p. 238, quoted by Rabanus Mogunt. A.D. 871. (Cf. S. Cyril. Hieros. Catech. Mystag. 5. c. 9.) *Penitents*, who had met with sudden death, were commemorated with prayers and oblations. Conc. Carth. 4. can. 79; Mans. 3, p. 957. *Alms* too were offered for the repose of the dead (Ibid.), fasting observed (Theodor. Cantuar. capit. 7. A.D. 688), Psalms sung (Conc. Bracar. 1, A.D. 561, c. 16), and above all the 'sacrifice of the propitiation' offered. Supra, c. 33; S. Aug. De Cura Mort. c. 4, tom. 6, quoted Conc. Cabilon. 2, A.D. 813, c. 39; Mans. 14, p. 101. There were cases in which it was thought sacrilege to celebrate the mass for the dead, *e. g.* for suicides (Theod. ubi supr. c. 63. See too c. 56, and Greg. 3, Pap. Epist. A.D. 720, ad Bonif. c. 3; Vid. first rubric for Burial of the Dead); the oblation of prayer and alms alone was allowed.

"In the case of Martyrs, since their *Natalitia* were celebrated from the first in times of persecution, hence arose the custom of celebrating them by the light of tapers at their *κοιμήματα* during the night. Customs, which had originated through necessity were afterwards retained as figurative and on

pious grounds. Two canons (34, 35) of Conc. Eliber. A.D. 305, refer to the present subject, the first forbidding the use of lighted tapers for an assigned reason (*vid. not.*) during the day, the other forbidding women to be present at the Vigils. Another principle, namely, the desire to convert the heathen, led St. Gregory Thaumaturgus to institute feastings on the Natalitia of the Martyrs, A.D. 254, at Neocæsarea in Cappadocia (*Vit. per S. Greg. Nyss. tom. 3, p. 573, 574.*) These were connected with the Agapæ of Holy Scripture, but, as was probable, became grossly abused, and were put down by St. Ambrose (*Confess. 6. 2, see supra, bk. 18, ch. 51*), partly for the same reason which led St. Gregory, under different circumstances, to allow it. They were most common in Africa (where too we find it had become necessary for Conc. Carth. 3, c. 6, Mans. 3, 881, to forbid administering the Eucharist to the dead) and were discouraged by St. Ambrose's hearer, St. Augustine.

"One of the points of the heresy of Aërius was his condemnation of Prayer for the Dead. *Supra, ch. 36.*

"The Church of England retains this pious practice in her Burial Service (*Wheatley, ch. 12. Sect. 4. § 2.*), 'for we pray that *we, with all those that are departed in the true faith of God's holy name, may have our perfect consummation and bliss; which is not barely a supposition that all those, who are so departed, will have their perfect consummation and bliss; but a prayer also that they may have it, viz. that we with them and they with us, may be made perfect together, both in body and soul, in the eternal and everlasting glory of God.*'"

*Page 76.—"Device for alteration of religion."*

This precious document may be seen at length in Strype, *Ann. i. Rec. No. IV.*; or in Tierney's *Dodd, ii. Appendix*; as well as Cardwell's *Conferences, chap. ii. No. 1*. The following is an abstract of the plan it recommends:—1. To strictly prohibit all innovations, except those by the Court. This prohibition was subsequently extended to all preaching. 2. To sow dissension, particularly religious dissension, among the subjects of France and Scotland. 3. To persecute the bishops

and clergy under the penal laws, and particularly by *præmunire*. 4. To labour to degrade all who had been in authority under the late queen in the estimation of the people, by inquiries into their conduct, and legal prosecutions as far as possible. 5. To displace the existing magistrates, and substitute others "meaner in substance and younger in years." 6. To officer the militia with devoted partizans of the Court. 7. In like manner, the universities to be looked after, and the discontented weeded out. 8. Her Highness to hear mass and go to communion "on high feasts." 9. A committee of divines to draw up a *plot* or book, under the inspection of Sir Thomas Smith, to be submitted to Her Majesty, and, if approved, passed into a law. Finally, concludes this *device*, "there must be laid in for the divines wood, and coals, and *drink*."

*Page 76.—"Like herself a dissembler in religion."*

The person here alluded to, Cecil, the celebrated minister, was a Protestant under Edward, became a Catholic, and went to communion as such, under Mary, to whom he offered his services. This queen, however, saw through his duplicity, and rejected them.

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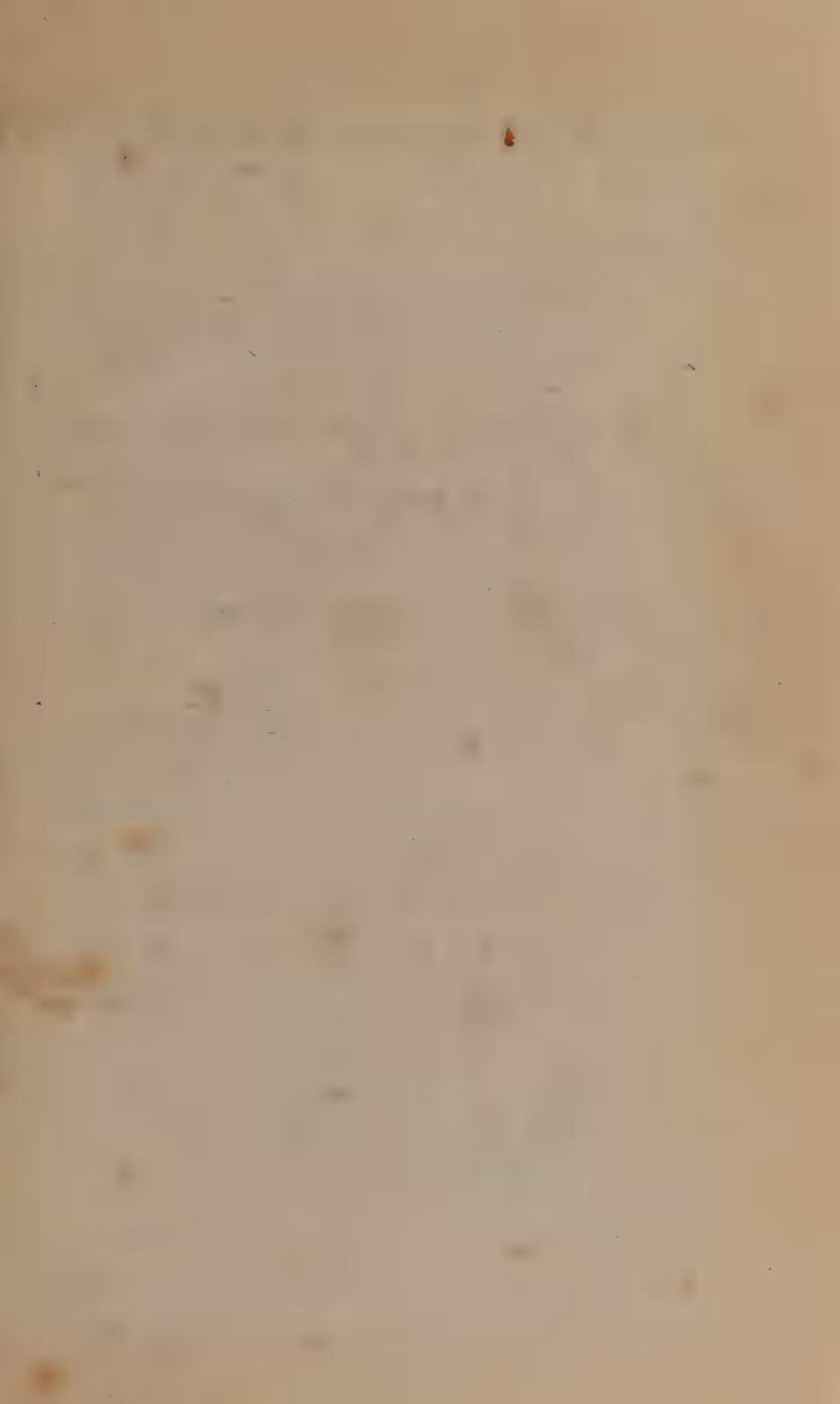
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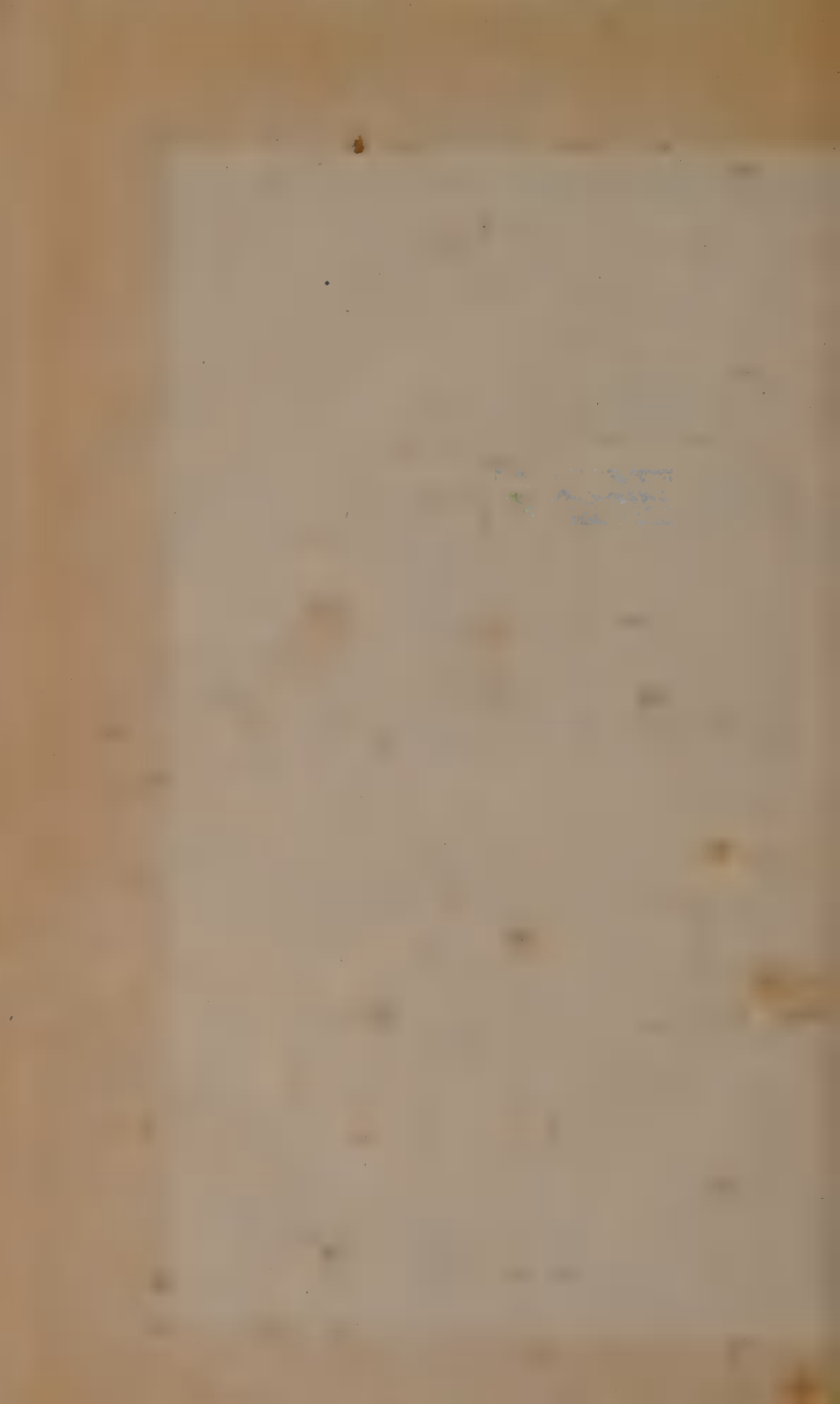
Page 76, line 8 of note from bottom, for *of*, read *attributed to*.

— — line 6 of ditto, for *as*, read *it*.

FINIS.







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